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TO

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TABLE OF CONTENTS

TO

VOLUME CC.

THIRD SERIES.

COMMONS, WEDNESDAY, MARCH 16.

Page

Game Laws Amendment Bill [Bill 3]—
Moved, "That the Bill be now read a second time,"—(*Mr. P. Wykeham-Martin*) 1
After short debate, Motion, by leave, *withdrawn*:—Bill *withdrawn.*

Ballot Bill [Bill 23]—
Moved, "That the Bill be now read a second time,"—(*Mr. Leatham*) .. 10
After long debate, *Moved,* "That the Debate be now adjourned,"—(*Mr. Newdegate*:)—The House *divided;* Ayes 116, Noes 226; Majority 110.
Original Question again proposed:—*Moved,* "That this House do now adjourn,"—(*Colonel Barttelot*:)—After short debate, Question put:—The House *divided;* Ayes 110, Noes 220; Majority 110.
Original Question again proposed:—After further short debate, Debate *adjourned* till *Tuesday* 3rd May.

Annuity Tax (Edinburgh) Bill [Bill 4]—
Moved, "That the Order of the Day for the Adjourned Debate on the Second Reading [2nd March] be discharged,"—(*Mr. M'Laren*) .. 61
After short debate, Motion *agreed to*:—Order *discharged*:—Bill *withdrawn.*

Game Laws (Scotland) Bill [Bill 7]—
Order for Second Reading read 61
After short debate, Second Reading *deferred* till *Wednesday* 30th March.

LORDS, THURSDAY, MARCH 17.

Ecclesiastical Courts Bill (No. 26)—
Order of the Day for the Second Reading read. 62
After short debate, Second Reading *put off* 'till *after the Recess at Easter.*

Naturalization Bill (Nos. 18-31)—
Amendments *reported* (according to Order) 65
Further Amendments made:—Bill to be read 3ª *To-morrow;* and to be *printed,* as amended. (No. 39.)

East India (Laws and Regulations) Bill (No. 29)—
House in Committee (according to Order) 65
After short time spent therein, Bill *reported* without Amendment; and to be read 3ª *To-morrow.*

COMMONS, THURSDAY, MARCH 17.

Page

Scotland—Procurators Fiscal—Question, Mr. Fordyce; Answer, The Lord Advocate 66

Navy—Promotion—Question, Mr. Eastwick; Answer, Mr. Childers .. 67

The "City of Boston"—Question, Sir John Pakington; Answer, Mr. Shaw Lefevre 68

The Palace of Westminster—Question, Mr. W. H. Gregory; Answer, Mr. Ayrton 70

China—Outrage on Missionaries—Question, Colonel Sykes; Answer, Mr. Otway 71

Ireland—The Press—Question, Mr. Kavanagh; Answer, Mr. Chichester Fortescue 72

Canada—Red River Settlement—Question, Mr. Whalley; Answer, Mr. Monsell 73

Army—Candidates for the Royal Military Academy—Question, Mr. Strutt; Answer, Mr. Cardwell 74

Army—Cavalry Commissions—Question, Sir John Pakington; Answer, Mr. Cardwell 74

Navy—Sickness on Board the "Britannia"—Question, Sir John Hay; Answer, Mr. Childers 74

Assessed Rates Act—Question, Mr. Hibbert; Answer, Mr. W. E. Forster 75

Navy—Naval Retirement—Question, Sir John Hay; Answer, Mr. Childers 76

Ireland—Political Prisoners—Question, Observations, Mr. Moore; Reply, Mr. Gladstone 76

Orders of the Day—*Ordered,* That the Orders of the Day be postponed till after the Notice of Motion for leave to bring in the Peace Preservation (Ireland) Bill,—(*Mr. Gladstone*) 81

Peace Preservation (Ireland) Bill—

Motion for Leave (*Mr. Chichester Fortescue*) 81

After long debate, Motion *agreed to*:—Bill relating to the Preservation of Peace in Ireland, *ordered* (*Mr. Chichester Fortescue, Mr. Secretary Bruce, Mr. Solicitor General for Ireland*); *presented,* and read the first time [Bill 75.]

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Naval Retirement—Resolution—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to retire Flag Officers from the active list of the Navy for any other cause but age or physical infirmity, and thus add to the public charge,"—(*Lord Henry Lennox,*)—instead thereof 127

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Question put:—The House *divided;* Ayes 169, Noes 136; Majority 33.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—*considered* in Committee—Navy Estimates 167

(In the Committee.)

(1.) £782,100, Half Pay and Reserved and Retired Pay Officers, Navy and Marines.

(2.) £635,666, Military Pensions and Allowances.

(3.) £287,134, Civil Pensions and Allowances.

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

[*March* 17.] *Page*

Gas and Water Facilities Bill—*Ordered* (*Mr. Shaw Lefevre, Mr. Stansfeld*); *presented*, and read the first time [Bill 77] 167
Railways (Powers and Construction) Bill—*Ordered* (*Mr. Shaw Lefevre, Mr. Stansfeld*); *presented*, and read the first time [Bill 76] 168
Mortgage Debenture Act (1865) Amendment Bill—*Ordered* (*Mr. West, Lord Garlies, Mr. Staveley Hill*); *presented*, and read the first time [Bill 78] ... 168
Pawnbrokers Bill—Acts read; *considered* in Committee:—Resolution *agreed to*, and *reported*:—Bill *ordered* (*Mr. Plimsoll, Mr. Sidebottom*); *presented*, and read the first time [Bill 79] 168

LORDS, FRIDAY, MARCH 18.

Metalliferous Mines Bill (No. 6)—
Order of the Day for the Second Reading read 168
After short debate, Second Reading *put off* 'till *after the Recess at Easter*.

High Court of Justice Bill (No. 32)—
Moved, "That the Bill be now read 2ª,"—(*The Lord Chancellor*) .. 169
After long debate, Motion *agreed to*:—Bill read 2ª accordingly.

Appellate Jurisdiction Bill (No. 33)—
Order of the Day for the Second Reading read 199
After short debate, Bill read 2ª.

COINAGE—MOTION FOR RETURNS—*Moved*, That there be laid before this House—
1. Statement showing the average result of the assays of bars for coining Gold Moneys on each day's melting and on each total coinage from 1851 to 1869 inclusive; also showing the assays of ingots produced by melting light or worn coin culled from circulation when such coin has been melted for re-coinage: [*Tabular form.*]
2. Statement showing the various sums paid by cheque by the Master of the Mint to the Bank of England in consideration of loss or waste by coining Silver; also exhibiting any gain or increase, and its amount: [*Tabular form.*]—(*The Lord Kinnaird*) .. 199
After short debate, on Question? *Resolved* in the *Negative*.

Coinage Bill [Bill 36]—
Moved, "That the Bill be now read 2ª,"—(*The Marquess of Lansdowne*) .. 200
After short debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

Transfer of Land Bill [H.L.]—*Presented* (*The Lord Chancellor*); read 1ª (No. 41) .. 201

COMMONS, FRIDAY, MARCH 18.

ARMY—THE YEOMANRY—Question, Mr. Stopford; Answer, Mr. Cardwell 201
PRISON WORKSHOPS—Question, Colonel Beresford; Answer, Mr. Bruce .. 202
IRELAND—STAMP DUTIES ON LEASES—Question, Mr. Pim; Answer, Mr. Gladstone 202
JAPAN—NATIVE CHRISTIANS—Question, Mr. White; Answer, Mr. Otway 203
ARMY—RE-ENLISTMENT—Question, Colonel C. Lindsay; Answer, Mr. Cardwell 204
ARMY—NETLEY ARMY MEDICAL SCHOOL—Question, Mr. Grove; Answer, Mr. Cardwell 205
INDIA—PUBLIC WORKS—Question, Mr. Kinnaird; Answer, Mr. Grant Duff 206
ARMY—CORNETS AND ENSIGNS—Question, Mr. Pemberton; Answer, Mr. Cardwell 207
NAVY—DISCHARGED DOCKYARD WORKMEN—Question, Mr. Morrison; Answer, Mr. Stansfeld 208
METROPOLIS—REGENT'S PARK RAILING—Question, Mr. Plimsoll; Answer, Mr. Ayrton 208

[*March* 18.] *Page*

IRELAND — IRISH MAGISTRATES — Question, Mr. Callan; Answer, Mr. Chichester Fortescue 209

IRELAND — WASTE LANDS — Question, Mr. J. Howard; Answer, Mr. Gladstone 210

NAVY—DEBATE ON NAVAL RETIREMENT—Explanation, Mr. Childers .. 210

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

ALLEGED BRIBES TO MEMBERS OF PARLIAMENT — Observations, Mr. Knight 212

Motion, by leave, *withdrawn*:—Committee *deferred* till *Monday* next.

Elementary Education Bill [Bill 33]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [14th March], "That the Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that no measure for the elementary education of the people will afford a satisfactory or permanent settlement which leaves the question of religious instruction in schools supported by public funds and rates to be determined by local authorities,"—(*Mr. Dixon*,)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question:"—Debate *resumed* 213

After long debate, Question put, and *agreed to*:—Main Question put, and *agreed to*:— Bill read a second time, and *committed* for *Friday*, 1st April.

Real Estate Succession Bill—*Ordered* (*Mr. Attorney General, Mr. Chancellor of the Exchequer, Mr. Solicitor General*); *presented*, and read the first time [Bill 81] .. 303

Metropolitan Buildings and Management Bill—*Ordered* (*Sir William Tite, Mr. Bowring*); *presented*, and read the first time [Bill 80] 304

LORDS, MONDAY, MARCH 21.

CONDUCT OF BUSINESS—PAROCHIAL SCHOOLS (SCOTLAND) BILL—Observations, Lord Redesdale; Reply, The Duke of Argyll:—Short debate thereon 304

ADMIRALTY—MOTION FOR PAPERS—*Moved* for

Copy of Correspondence between the Admiralty and the Treasury and of other Papers relative to alterations in the organization and business of the Admiralty and to reductions in the establishments:

Copies of Orders in Council of the 22d day of February 1870 respecting Naval Promotion and Retirement:

Copy of the Report of the Civil Commission appointed to inquire into the condition and organization of the Naval Hospitals, with extracts from the appendices thereto:

Copy of a Report by the Earl of Camperdown on the arrangements of Her Majesty's Victualling Yard, with the Reports thereon of the officers to whom it was referred,—(*The Duke of Marlborough*) 307

After short debate, Motion amended, and *agreed to*.

POLICE SYSTEM OF SCOTLAND—Question, The Earl of Minto; Answer, The Earl of Morley 309

CRIME AND OUTRAGE (IRELAND)—MOTION FOR RETURNS—*Moved*, That there be laid before this House,

Return of the counties or other districts of Ireland which have been proclaimed by the Lord Lieutenant from 1st November 1868 up to the present date:

Copies of or extracts from any Correspondence that may have taken place between the Irish Government and lieutenants, deputy lieutenants, or magistrates of counties relative to Crime and Outrage in the years 1868 and 1869,—(*The Marquess of Clanricarde*) .. 310

After short debate, on Question? *Resolved* in the *Negative*.

National Gallery—Motion for Returns—*Moved*, That there be laid before this House,

Copies of Correspondence between the Office of Works and the Architect of the new National Gallery respecting the designs for the new building,—(*The Viscount Hardinge*) 315

After short debate, Motion (by Leave of the House) *withdrawn.*

COMMONS, MONDAY, MARCH 21.

Army—Control Department and the Royal Engineers—Question, Mr. White; Answer, Mr. Cardwell 317

Army—Sale of Commissions—Question, Mr. Gourley; Answer, Mr. Cardwell 318

Taxes for Educational Purposes—Question, Mr. Pell; Answer, Mr. Gladstone 318

Navy—The "Mutine"—Question, Mr. Mellor; Answer, Mr. Baxter .. 319

Navy—Rock in Pembroke Reach—Question, Mr. Scourfield; Answer, Mr. Childers 320

Ireland — Political Prisoners — Question, Mr. Moore; Answer, Mr. Gladstone 320

Army—Militia Quartermasters—Question, Mr. Wingfield Baker; Answer, Mr. Cardwell 321

Parliament—Palace of Westminster—The Central Hall—Questions, Mr. A. E. Guest, Colonel Sykes; Answers, Mr. Ayrton .. 322

Army—Secretary of State for War—Question, Colonel Stuart Knox; Answer, Mr. Cardwell 322

Communication with France—Loss of the "Normandy"—Questions, Sir William Gallwey, Sir John Pakington; Answers, Mr. Shaw Lefevre 323

Canada—Sir Alexander T. Galt—Question, Mr. Whalley; Answer, Mr. Monsell 324

Ireland — Glencree Reformatory — Question, Mr. Bagwell; Answer, Mr. Chichester Fortescue 325

Ireland—Sub-Sheriff of Monaghan—Explanation, Colonel Leslie .. 326

Beverley Election Prosecutions—Question, Mr. Bouverie; Answer, The Solicitor General 326

Peace Preservation (Ireland) Bill [Bill 75]—

Moved, "That the Bill be now read a second time,"—(*Mr. Chichester Fortescue*) 328

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Moore:*) —Question proposed, "That the word 'now' stand part of the Question:"—After long debate, Debate *adjourned* till *To-morrow.*

Drainage and Improvement of Lands (Ireland) Supplemental Bill—*Ordered* (*Mr. William Henry Gladstone, Mr. Stansfeld*); *presented*, and read the first time [Bill 83] 411

Customs (Isle of Man) Bill—Acts read; *considered* in Committee:—Resolution *agreed to*, and *reported*:—Bill *ordered* (*Mr. Dodson, Mr. William Henry Gladstone, Mr. Stansfeld*); *presented*, and read the first time [Bill 84] 411

LORDS, TUESDAY, MARCH 22.

Coinage Bill (No. 36)—

Moved, "That the House do now resolve itself into Committee,"—(*The Marquess of Lansdowne*) 411

Amendment *moved*, to leave out all the words after ("That") and insert ("the Bill be referred to a Select Committee,")—(*The Lord Kinnaird.*)

Coinage Bill—continued.

After short debate, Motion (by Leave of the House) *withdrawn:* then the Original Motion *agreed to:*—House in Committee accordingly.

After short time spent therein, further Amendments made:—The Report thereof to be received on *Thursday* next; and Bill to be printed, as amended. (No. 45.)

COMMONS, TUESDAY, MARCH 22.

POOR LAW—ELLESMERE BOARD OF GUARDIANS—Question, Mr. Watkin Williams; Answer, Mr. Goschen 419

COMMUTATION OF CAPITAL SENTENCES—Question, Sir George Jenkinson; Answer, Mr. Bruce 420

PARLIAMENT—PALACE OF WESTMINSTER—THE CENTRAL HALL—Question, Mr. A. E. Guest; Answer, Mr. Ayrton 422

IRELAND — DUBLIN FREEMEN COMMISSION — Question, Mr. J. Lowther; Answer, Mr. Chichester Fortescue 422

RUMOURED CESSION OF GIBRALTAR—Question, Sir George Jenkinson; Answer, Mr. Gladstone 423

Capital Sentences (Revision and Commutation) Bill—

Motion for Leave (*Sir George Jenkinson*) 424

After short debate, Motion *agreed to:*—Bill to alter and amend the Law in regard to the present system of the revision and commutation of Capital Sentences, *ordered* (*Sir George Jenkinson, Mr. Staveley Hill, Mr. Wren-Hoskyns*); *presented*, and read the first time. [Bill 58.]

Peace Preservation (Ireland) Bill [Bill 75]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months," —(*Mr. Moore:*)—Question again proposed, "That the word 'now' stand part of the Question:"—Debate *resumed* 424

After long debate, Question put:—the House *divided;* Ayes 425, Noes 13; Majority 412:—Division List, Ayes and Noes 509

Main Question put, and *agreed to:*—Bill read a second time, and *committed* for *Thursday.*

COMMONS, WEDNESDAY, MARCH 23.

Burials Bill [Bill 8]—

Moved, "That the Bill be now read a second time,"—(*Mr. Osborne Morgan*) 513

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Cross:*) —After debate, Question put, "That the word 'now' stand part of the Question:"—the House *divided;* Ayes 233, Noes 122; Majority 111: —Main Question put, and *agreed to:*—Bill read a second time.

Moved, "That the Bill be committed for Wednesday the 18th day of May next,"—(*Mr. Osborne Morgan.*)

Amendment proposed, to leave out the words "for Wednesday the 18th day of May next," in order to add the words "to a Select Committee,"—(*Mr. Secretary Bruce,*)—instead thereof.

After short debate, Question put, "That the words proposed to be left out stand part of the Question:"—the House *divided;* Ayes 135, Noes 226; Majority 91:—Words *added:*—Main Question, as amended, put, and *agreed to:*—Bill *committed* to a Select Committee.

And, on March 25, Committee *nominated:*—List of the Committee.

TABLE OF CONTENTS.

LORDS, THURSDAY, MARCH 24.

Page

Coinage Bill (No. 45)—

Amendments *reported* (according to Order) 561

After short debate, further Amendments made; and Bill to be read 3ª *To-morrow.*

Habitual Criminals Act — Question, The Earl of Carnarvon; Answer, The Earl of Kimberley:—Short debate thereon 563

COMMONS, THURSDAY, MARCH 24.

Army — "Military Mismanagement" — The 51st Regiment — Question, Colonel Stuart Knox; Answer, Mr. Cardwell 571

Turnpike Roads—Question, Lord George Cavendish; Answer, Mr. Bruce 572

Navy — Retirement — Question, Mr. Hanbury Tracy; Answer, Mr. Childers 573

Lighthouses—Question, Mr. Headlam; Answer, The Chancellor of the Exchequer 573

Canada—Sir Alexander T. Galt—Question, Mr. Whalley; Answer, Mr. Monsell 574

Peace Preservation (Ireland)—Damages and Costs—Observations, Mr. Chichester Fortescue 575

Peace Preservation (Ireland) Bill [Bill 75]—

Order for Committee read 576

Bill *considered* in Committee 579

After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

LORDS, FRIDAY, MARCH 25.

Inns of Court (Ireland)—Petition presented (*Lord Chelmsford*:)—Observations thereon 636

Petition to lie on the Table.

New Palace of Westminster—Motion for Correspondence—*Moved* for "Copy of Correspondence between the First Commissioner of Works and Mr. Edward Barry, during the present year, respecting his duties as architect to the New Palace of Westminster,"—(*The Earl of Devon*) 637

Motion *agreed to*

COMMONS, FRIDAY, MARCH 25.

Wimbledon Common — Question, Sir Charles W. Dilke; Answer, Mr. Stansfeld 637

Rugby School—Question, Sir Stafford Northcote; Answers, Mr. Brand, Mr. W. E. Forster 638

Industrial School, Glasgow—Case of Alexander Gillespie—Question, Mr. Graham; Answer, Mr. Bruce 639

Parliament — Palace of Westminster — The Central Hall—Question, Colonel Sykes; Answer, Mr. Ayrton 640

Peace Preservation (Ireland) Bill [Bill 75]—

Bill *considered* in Committee [*Progress 24th March*] 641

After long time spent therein, House adjourned till Nine o'clock.

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Stamps on Leases—Observations, Mr. Bourke 682

Motion, by leave, *withdrawn*:—Committee *deferred* till *Monday* next.

[*March* 25.] *Page*

Peace Preservation (Ireland) Bill [Bill 75]—
Bill *considered* in Committee 682
After further long time spent therein, Bill *reported;* as amended, to be considered *To-morrow*, at One of the clock, and to be *printed*. [Bill 88.]

COMMONS, SATURDAY, MARCH 26.

Peace Preservation (Ireland) Bill [Bill 88]—
Bill, as amended, *considered* 700
After debate, Bill read the third time, and *passed*.

LORDS, MONDAY, MARCH 28.

ECCLESIASTICAL BUSINESS, FEES, &c.—ADDRESS FOR RETURNS—*Moved*, an Address for

"Returns from every Archbishop and Bishop holding a see in England, and from every ecclesiastical registry in England and Wales, of the officers engaged, the amount and nature of the business transacted, and the amount of fees received in their respective offices; likewise of the fee charged for marriage licences, and the number of licences issued in 1867, 1868, and 1869,"—(*The Earl of Shaftesbury*) 716

After short debate, Motion *agreed to.*

ECCLESIASTICAL AND DIOCESAN RECORDS—ADDRESS FOR A RETURN—*Moved*, an Address for

Return from each diocese, stating the places in which the records of all ecclesiastical and diocesan matters are preserved, explaining the manner in which these records are kept, distinguishing such as are kept in fire-proof places, stating the names of the persons in whose custody they are kept, the conditions under which access is permitted to them, what fees are taken for leave to inspect and to make copies, what is the total amount of such fees received within the last five years, what steps are taken for the preservation of these records from damp and from improper abstraction or removal,"—(*The Lord Romilly*) 717

Motion *agreed to.*

COMMONS, MONDAY, MARCH 28.

COLLISIONS ON RAILWAYS—Question, Major Allen; Answer, Mr. Shaw Lefevre 718
IRELAND—KILMAINHAM HOSPITAL—Question, Sir John Gray; Answer, Mr. Cardwell 719
WASTE LANDS IN THE COLONIES—Question, Mr. Macfie; Answer, Mr. Monsell 719
METROPOLIS—RIDE IN ROTTEN ROW—Question, Sir Frederick W. Heygate; Answer, Mr. Ayrton 721
IRELAND—UNION RATING—Question, Mr. Kavanagh; Answer, Mr. Chichester Fortescue 721
OFFICE OF STAMP DISTRIBUTOR AT LOWESTOFT—Question, Mr. Henniker-Major; Answer, Mr. Gladstone 722
CAPE OF GOOD HOPE—Question, Mr. R. N. Fowler; Answer, Mr. Monsell 723
SCOTLAND—LAW OF HYPOTHEC—Question, Mr. Carnegie; Answer, The Lord Advocate 723
NAVY—DOCKYARD ECONOMY—Question, Mr. H. A. Herbert; Answer, Mr. Childers 723
BRITISH COLUMBIA—WATER BOUNDARY QUESTION—Questions, Viscount Milton; Answers, Mr. Otway, Mr. Monsell 724
SAVINGS BANKS BILL—Question, Mr. Assheton Cross; Answer, Mr. Stansfeld 725
POOR LAW EXPENDITURE—Question, Mr. W. H. Smith; Answer, Mr. Goschen 725

Post Office—Communication with America—Question, Sir John Ogilvy; Answer, The Marquess of Hartington 726
Working Men's Railway Trains—Question, Mr. Reed; Answer, Mr. Shaw Lefevre 727
Parliament—Morning Sittings—Observations, Mr. Bentinck; Reply, Mr. Gladstone 727
Metropolis—Burglaries—Question, Colonel Beresford; Answer, Mr. Bruce 727
Emigration of Artizans—Question, Sir James Lawrence; Answer, Mr. Childers 730

Irish Land Bill [Bill 29]—
Order for Committee read; after short debate, Bill *considered* in Committee 730
Clause 1 (Legality of Ulster tenant-right custom).
After long time spent therein, Committee report Progress; to sit again upon *Thursday*.

Stamp Duty on Deeds Bill—*Ordered* (*Mr. Bourke, Mr. Dodds*); *presented*, and read the first time [Bill 89] 787

Registration of County Voters (England and Wales)—
Committee *nominated*:—List of the Committee 787
Report of the Select Committee appointed in 1864 to inquire into the Laws affecting the Registration of County Voters in England and Wales referred to the Committee,—(*Mr. Henry Robert Brand.*)

Public Accounts—
Standing Order of the House [3rd April 1862] relative to the Committee of Public Accounts read, and amended, by leaving out the word "nine," and inserting the word "eleven," instead thereof,—(*Mr. Stansfeld.*)
Committee *nominated*:—List of the Committee 788

Survey of Great Britain, &c. Bill—*Ordered* (*Mr. Ayrton, Mr. Secretary Cardwell*); *presented*, and read the first time [Bill 90] 788
County Courts (Buildings) Bill—*Ordered* (*Mr. Ayrton, Mr. Stansfeld*); *presented*, and read the first time [Bill 91] 788

LORDS, TUESDAY, MARCH 29.

Peace Preservation (Ireland) Bill (No. 53)—
Moved, "That the Bill be now read 2ª,"—(*The Lord Dufferin*) .. 788
After debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next; and Standing Orders Nos. 37. and 38. to be considered in order to their being dispensed with.

Ecclesiastical Patronage Transfer Bill [H.L.]—*Presented* (*The Lord Lyttelton*); read 1ª (No. 55) 828

COMMONS, TUESDAY, MARCH 29.

Army—Military Firearms—Question, Mr. Dickinson; Answer, Mr. Cardwell 828
Army—Rifles for Volunteers—Question, Colonel Wilmot; Answer, Mr. Cardwell 829
France—Commercial Treaty—Question, Mr. Birley; Answer, Mr. Otway 829
Navy—Sheerness Dockyard—Question, Mr. Pemberton; Answer, Mr. Childers 830
Metropolis—Hyde Park—Rotten Row—Question, Sir Harcourt Johnstone; Answer, Mr. Ayrton 831

[*March* 29.] Page

NAVY—SCHEME FOR NAVAL RETIREMENT—Question, Sir James Elphinstone; Answer, Mr. Childers 831

BRITISH COLUMBIA — WATER BOUNDARY QUESTION — Question, Viscount Milton; Answer, Mr. Monsell 832

NEW ROMNEY—Question, Mr. W. M. Torrens; Answer, Mr. Knatchbull-Hugessen 833

NAVY—AFRICAN SQUADRON—RESOLUTION—*Moved*,

"That, in the opinion of this House, the African Squadron ought to be materially reduced at the earliest practicable date,"—(*Mr. Rylands*) 833

After debate, Motion, by leave, *withdrawn*.

TURNPIKE ROADS—RESOLUTION—*Moved*,

"That, in the opinion of this House, the present system of providing the cost of maintaining the Turnpike Roads of which the Trusts have expired is unjust, and inflicts great hardship on particular parishes, and in all such cases where Tolls have been or may hereafter be abolished, the area from which the cost of maintaining such Roads is levied ought to be extended, and should not be limited to those parishes only through which such Roads actually pass; and furthermore it is incumbent on the Government to take steps, with as little delay as possible, to provide a remedy for the injustice and hardship referred to,"—(*Sir George Jenkinson*) 858

After short debate, Motion, by leave, *withdrawn*.

Resolved, That, in the opinion of this House, the present system of providing the cost of maintaining the Turnpike Roads of which the Trusts have expired is unjust, and inflicts great hardship on particular parishes, and in all such cases where tolls have been or may hereafter be abolished, the area from which the cost of maintaining such Roads is levied ought to be extended, and should not be limited to those parishes only through which such Roads actually pass,—(*Sir George Jenkinson.*)

CONVENTUAL AND MONASTIC INSTITUTIONS—MOTION FOR A SELECT COMMITTEE—*Moved*,

"That a Select Committee be appointed to inquire into the existence, character, and increase of Conventual and Monastic Institutions or Societies in Great Britain, and into the terms, upon which income, property, and estates belonging to such Institutions or Societies, or to members thereof, are respectively received, held, or possessed,"—(*Mr. Newdegate*) 872

After debate, Question put:—The House *divided;* Ayes 131, Noes 129; Majority 2.

Division List, Ayes and Noes 906

IRELAND—CASE OF MR. MADDEN—MOTION FOR PAPERS—*Moved*,

"That there be laid before this House, Copies of Correspondence between Mr. John Madden of Hilton Park, Clones, and the Secretary to the Lord Lieutenant of Ireland, in October 1869, relative to the proposed illegal party procession in Dublin on Sunday October 10th; and, of all Correspondence between Mr. Madden and the officials of Dublin Castle, including the Lord Chancellor of Ireland, in the months of December and January last,"—(*Lord Claud John Hamilton*) 908

After debate, Debate *adjourned* till *Tuesday* next.

COMMONS, WEDNESDAY, MARCH 30.

Felony Bill [Bill 9]—

Moved, "That the Bill be now read a second time,"—(*Mr. C. Forster*) 931

After short debate, Bill read a second time, and *committed* to a Select Committee.

And, on April 4, Committee *nominated* :—List of the Committee .. 938

Party Processions (Ireland) Bill [Bill 26]—

Moved, "That the Bill be now read a second time,"—(*Mr. W. Johnston*) 938

After short debate, Motion *agreed to* :—Bill read a second time, and *committed* for *Tuesday* 3rd May.

Medical Acts Amendment Bill [Bill 40]—
Moved, "That the Bill be now read a second time,"—(*Sir John Gray*) 962
After short debate, Debate *adjourned* till *Wednesday* 27th April.

LORDS, THURSDAY, MARCH 31.

Peace Preservation (Ireland) Bill (No. 53)—
Moved, "That the House do now resolve itself into Committee,"—(*The Lord Dufferin*) 970
After short debate, Bill *considered* in Committee:—Standing Orders Nos. 37 and 38 *considered* and *dispensed with.*
Amendments *reported;* further Amendments made.
Bill read 3ª, with the Amendments, and *passed,* and sent to the Commons.

Attorneys and Solicitors (Ireland) — Postponement of Notice — Observations, The Lord Chancellor; Reply, Lord Chelmsford .. 982
Motion *postponed* till Friday the 8th of April.

COMMONS, THURSDAY, MARCH 31.

Use of Gas in Lighthouses — Question, Mr. Pim; Answer, Mr. Shaw Lefevre 983
Ireland—Sale of Poison—Question, Mr. Agar-Ellis; Answer, The Solicitor General for Ireland 984
Suffragan Bishops—Questions, Mr. Bowring, Mr. Bouverie; Answers, Mr. Gladstone 985
Debts of Spain and Portugal—Questions, Mr. Somerset Beaumont, Mr. Hunt; Answers, The Chancellor of the Exchequer 987
The Neutrality Laws—Question, Mr. W. H. Gregory; Answer, Mr. Otway 988
Palace of Westminster—Drawings of Mr. Barry—Question, Mr. Tipping; Answer, Mr. Ayrton 988
Spanish Bull-Fights at Islington—Question, Mr. Monk; Answer, Mr. Bruce 989
Losses of Steam Vessels—Question, Sir John Pakington; Answer, Mr. Shaw Lefevre 990
Newspaper Postage to France and Australia—Question, Mr. W. H. Smith; Answer, The Marquess of Hartington 991
Parliament—Public Business—Question, Mr. Whitbread; Answer, Mr. Gladstone:—Short debate thereon 992
Licensing Bill—Question, Mr. Hibbert; Answer, Mr. Gladstone .. 999

Irish Land Bill [Bill 29]—
Bill *considered* in Committee [*Progress 28th March*] 999
Clause 1 (Legality of Ulster tenant-right custom) *agreed to.*
Clause 2 (Legality of tenant-right custom other than Ulster custom).
After long time spent therein, Committee report Progress; to sit again *To-morrow,* at Two of the clock.

Poaching Prevention Act Repeal Bill—*Ordered* (*Mr. Brown, Mr. Andrew Johnston, Sir David Wedderburn, Mr. Thomas Potter*); *presented,* and read the first time [Bill 93] 1046

LORDS, FRIDAY, APRIL 1.

Bankrupt Law Amendment (Ireland) Bill—
Presented (*The Marquess of Clanricarde*) 1047
Bill read 1ª; to be *printed;* and to be read 2ª on *Tuesday,* the 3rd of *May* next. (No. 61.)

Peace Preservation (Ireland) Bill—

Returned from the Commons with several of the Amendments made by the Lords *agreed to*, and one *disagreed to*, for which they assign a reason.

Commons' reason for disagreeing to one of the Amendments made by the Lords *considered: Moved* not to insist on the Lords' Amendment to which the Commons have disagreed; on Question, *agreed to* .. 1047

COMMONS, FRIDAY, APRIL 1.

TRANSFER OF LAND—Question, Mr. Pim; Answer, Mr. Gladstone .. 1048

NAVY — H.M.S. "MEGÆRA"—Question, Sir John Hay; Answer, Mr. Childers 1049

BLUE BOOKS AND PARLIAMENTARY PAPERS—Question, Mr. Auberon Herbert; Answer, Mr. Stansfeld 1049

Peace Preservation (Ireland) Bill—

Lords' Amendments *considered* 1050

Amendments, as far as the Amendment in Clause 38, page 18, line 18, read a second time, and *agreed to.*

Clause 38, pages 18 and 19, the next Amendment, read a second time, and *disagreed to.*

Subsequent Amendments read a second time, and *agreed to.*

Committee *appointed*, "to draw up Reasons to be assigned to the Lords for disagreeing to the Amendments to which this House hath disagreed:"—List of the Committee 1050

Reason for disagreeing to one of the Lords' Amendments *reported*, and *agreed to*:—To be communicated to the Lords.

Irish Land Bill [Bill 29]—

Bill *considered* in Committee [*Progress 31st March*] 1051

Clause 2 (Legality of tenant-right custom other than Ulster custom).

Clause 3 (Compensation in absence of custom).

After long time spent therein, Committee report Progress; to sit again upon *Monday* next.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

IRELAND—TRINITY COLLEGE, DUBLIN—RESOLUTION—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House regards with satisfaction the Memorial lately presented to the Prime Minister by the Provost, Professors, Tutors, and other authorities of Trinity College, Dublin, in favour of united or undenominational academical education in Ireland, and this House is of opinion that it is highly expedient that the Government should, with the least delay possible, give effect to the prayer of this Memorial by introducing a measure which would not only free the Fellowships, Scholarships, and other emoluments and honours of Trinity College, Dublin, from all religious disabilities, but which would further provide that those who are not members of the Established Church might, within a reasonable time, obtain an adequate influence in the government of the College,"—(*Mr. Fawcett,*)—instead thereof 1090

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, *Moved*, "That the Debate be now adjourned,"—(*Sir Henry Hoare*:)—The House *divided;* Ayes 96, Noes 232; Majority 136.

Question again proposed, "That the words proposed to be left out stand part of the Question:"—*Moved*, "That this House do now adjourn,"—(*Mr. Robert Torrens*:)—After further short debate, Question put, and *agreed to.*

TABLE OF CONTENTS.

LORDS, SATURDAY, APRIL 2.

Page

Their Lordships met at One o'clock, for the purpose of hearing a Royal Commission read, by which the Commissioners were authorized to give the Royal Assent to the Peace Preservation (Ireland) Bill, and other Bills:

But the Commons having, at rising, adjourned to Monday next, that House was not in attendance.

LORDS, MONDAY, APRIL 4.

Owens College Extension Bill—

Order of the Day for the Third Reading, read 1147

After short debate, Bill read 3^a, and *passed*, and sent to the Commons.

Criminal Sentences—Address for a Return—*Moved*,

That an humble Address be presented to Her Majesty for, Return of the criminal sentences which have been wholly remitted or reduced or varied by the Crown under the advice of the Secretary of State for the Home Department during the last three years, distinguishing the cases in which the ground of interference was the supposed innocence of the parties, the severity of the sentence, or other causes,—(*The Lord Penzance*) .. 1148

After short debate, Motion (by Leave of the House) *withdrawn*.

Kildare Chapel—Motion for a Paper—

Moved that there be laid before this House, Copy of the Reports furnished to the Irish Government of notices posted at and about the chapel of Kildare, calling for a meeting to discuss the conduct of the Duke of Leinster and his agent towards certain of his tenants, and of the meeting and the speeches made thereat after mass on the 25th instant in the chapel yard,—(*The Marquess of Clanricarde*) 1161

After short debate, Motion (by Leave of the House) *withdrawn*.

COMMONS, MONDAY, APRIL 4.

Navy—Dockyard Superannuations—Question, Mr. Stone; Answer, Mr. Childers 1168

Jamaica—The Late G. W. Gordon—Question, Sir Charles W. Dilke; Answer, Mr. Gladstone 1169

Turkey—The Sporades Islands—Question, Sir David Wedderburn; Answer, Mr. Otway 1169

Army—Unattached Promotions—Question, Viscount Crichton; Answer, Mr. Cardwell 1170

Hyde Park—The Serpentine—Questions, Captain Dawson-Damer, Mr. W. O. Stanley; Answers, Mr. Ayrton 1170

Dominion of Canada—Red River Settlement—Question, Mr. Sinclair Aytoun; Answer, Mr. Monsell 1172

The Telegraphs Department—Question, Mr. Crawford; Answer, The Marquess of Hartington 1172

Birmingham—Poor Law Guardians—Question, Mr. Bromley-Davenport; Answer, Mr. Goschen 1173

County Court Judge of Norfolk—Question, Mr. Haviland-Burke; Answer, The Solicitor General 1174

Irish Land Bill [Bill 29]—

Bill *considered* in Committee [*Progress* 1*st April*] 1176

Clause 3 (Compensation in absence of custom).

Division List, Ayes and Noes 1272

After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Pawnbrokers—

Select Committee *appointed*, "to inquire into the state of the Law affecting the Pawnbroking Trades, with a view to its consolidation and amendment,"—(*Mr. Plimsoll.*)

And, on May 9, Committee *nominated*:—List of the Committee .. 1276

LORDS, TUESDAY, APRIL 5.

Page

Ecclesiastical Patronage Transfer Bill (No. 55)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Lyttelton*) .. 1277

Motion *agreed to*:—Bill read 2^a accordingly.

THE NEW PUBLIC OFFICES—Questions, Observations, Lord Redesdale; Replies, The Marquess of Lansdowne, The Duke of Argyll .. 1278

THE DUKE OF WELLINGTON'S MONUMENT—MOTION FOR CORRESPONDENCE—

Moved for Copies of any correspondence which may have recently taken place between Her Majesty's Chief Commissioner of Works and the surveyor of St. Paul's Cathedral, with reference to the monument to the late Duke of Wellington in course of erection in that church:

Return of copy of agreement entered into between the Board of Works and Mr. Stevens, the artist selected to execute the work:

Payments made to Mr. Stevens on account of the work itself, or to others for purposes in connexion with it:

Dates of payment:

Sum originally voted by Parliament for the erection of the monument:

Balance remaining available for the completion of it,—(*The Earl Cadogan*) .. 1280

After short debate, Motion *agreed to*.

COMMONS, TUESDAY, APRIL 5.

BANK OF IRELAND—PAYMENT OF DIVIDENDS — Question, Mr. Sherlock; Answer, The Chancellor of the Exchequer 1283

ARMY—ROYAL ACADEMY, WOOLWICH—Question, Colonel Beresford; Answer, Mr. Cardwell 1283

LOTTERIES FOR POOR SCHOOLS — Question, Mr. Charley; Answer, Mr. Bruce 1283

ARMY—WOOLWICH AND SANDHURST—Question, Colonel Beresford; Answer, Mr. Cardwell 1284

Irish Land Bill [Bill 29]—

Bill *considered* in Committee [*Progress 4th April*] 1284

Clause 3 (Compensation in absence of custom.)

After long time spent therein, Committee report Progress; to sit again upon *Thursday*.

Members of Parliament Payment Bill—

Moved, "That leave be given to bring in a Bill to restore the ancient constitutional practice of Payment of Members,"—(*Mr. Taylor*) 1334

After debate, Question put:—The House *divided;* Ayes 24, Noes 211; Majority 187.

Water Supply on Sunday (Metropolis) Bill

Motion for Leave (*Mr. Stapleton*) 1368

After short debate, Motion *agreed to*:—Bill to make better provision respecting the supply of Water to the Metropolis on Sundays, *ordered* (*Mr. Stapleton, Colonel Stepney, Dr. Brewer*); *presented*, and read the first time [Bill 94.]

HOUSE TAX—RESOLUTION—*Moved*,

"That the House Tax is unequally and unfairly assessed, imposes unnecessary restrictions upon the construction of buildings specially adapted for the working classes, and ought to be repealed,"—(*Mr. Alderman W. Lawrence*) 1374

After short debate, Motion, by leave, *withdrawn*.

PUBLIC SCHOOLS—MOTION FOR AN ADDRESS—*Moved*,

"That an humble Address be presented to Her Majesty, praying Her to be pleased to order that in the five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, the words requiring membership of the Church of England as a qualification in the case of persons elected or nominated members of the governing bodies may be omitted,"—(*Mr. Thomas Hughes*) 1379

After short debate, Debate *adjourned* till *Friday*.

COMMONS, WEDNESDAY, APRIL 6.

Page

Sites for Places of Worship Bill [Bill 10]—
Moved, "That the Bill be now read a second time,"—(*Mr. Osborne Morgan*) 1382
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. George Gregory*:)—Question proposed, "That the word 'now' stand part of the Question:"—After debate, Amendment, by leave, *withdrawn*.
Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *Wednesday* 15th June.

Juries Bill [Bill 32]—
Moved, "That the Bill be now read a second time,"—(*Viscount Enfield*) 1414
After short debate, Bill read a second time, and *committed* to a Select Committee.

Evidence Further Amendment Act (1869) Amendment Bill—
Bill *considered* in Committee 1417
After short time spent therein, Bill *reported*; as amended, to be considered *To-morrow*.

Summary Convictions Bill [Bill 50]—
Moved, "That the Bill be now read a second time,"—(*Mr. Denman*) .. 1419
After short debate, Motion, by leave, *withdrawn*:—Bill *withdrawn*.

Attorneys' and Solicitors' Remuneration Bill [Bill 6]—
Bill *considered* in Committee [*Progress 31st March*] 1423
After short time spent therein, Committee report Progress; to sit again upon *Friday*.

Lodgers' Goods Protection Bill—*Ordered* (*Mr. Henry B. Sheridan, Mr. Holms, Mr. Staveley Hill*); *presented*, and read the first time [Bill 96] 1423

LORDS, THURSDAY, APRIL 7.

Representative Peer for Ireland—(*Writs and Returns*)—The Earl of Lanesborough, *v.* Lord Crofton, deceased.
The New Public Offices—Observations, Lord Redesdale; Reply, Earl Granville 1424

Divorce and Matrimonial Causes Bill [H.L.] (No. 67)—
Divorce and Matrimonial Causes Repeal Bill [H.L.] (No. 68)—
Presented (*The Lord Penzance*); read 1ª 1425

COMMONS, THURSDAY, APRIL 7.

India—Regimental Surgeons—Question, Sir Thomas Bazley; Answer, Mr. Grant Duff 1425
Navy—Letters to the Public Journals—Question, Mr. R. Shaw; Answer, Mr. Childers 1426
South Seas—Deportation of Natives—Question, Mr. Kinnaird; Answer, Mr. Childers 1427
Navy—Scheme of Naval Retirement—Question, Sir James Elphinstone; Answer, Mr. Childers 1427
Capital Punishment—Question, Mr. Whalley; Answer, Mr. Bruce .. 1428
Wesleyan Ministers in Military Prisons—Question, Mr. M'Arthur; Answer, Mr. Bruce 1428
Friendly Societies Returns—Question, Mr. E. Richards; Answer, Mr. Stansfeld 1430
Judicial Sentences—Question, Mr. J. Howard; Answer, Mr. Bruce .. 1430
Canada—Red River Settlement—Question, Mr. Whalley; Answer, Mr. Monsell 1431
India—The Nawab Nazim of Bengal—Question, Mr. Bagwell; Answer, Mr. Grant Duff 1432

Irish Land Bill [Bill 29]—

Bill *considered* in Committee [*Progress 5th April*] 1433
Clause 3 (Compensation in absence of custom).
After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Wine and Beerhouse Act (1869) Amendment Bill—

Act read; *considered* in Committee 1493
After debate, a Resolution *agreed to*, and *reported*:—Bill *ordered* (*Sir Henry Selwin-Ibbetson, Mr. Headlam, Mr. Akroyd*); *presented*, and read the first time [Bill 97.]

LORDS, FRIDAY, APRIL 8.

Medical Act (1858) Amendment Bill—

Bill to amend the Law relating to the Qualification of Practitioners in Medicine and Surgery, and otherwise to amend the Medical Act, 1858, *presented* (*The Lord President*); read 1ª (No. 69) 1495

INCORPORATED SOCIETY OF ATTORNEYS AND SOLICITORS IN IRELAND—PETITION—MOTION FOR AN ADDRESS—*Moved*,

That an humble Address be presented to Her Majesty praying that Her Majesty will be pleased to issue a Commission to inquire into and report upon the total amount of the sums received by "The Honourable Society of the King's Inns, Dublin," upon the admission of attorneys and solicitors as deposits for chambers, and in what manner the same or any part thereof has been applied and disposed of, and what portion of the amount remains unappropriated to the purposes for which it was received, and whether the Incorporated Society of Attorneys and Solicitors of Ireland are in possession of suitable buildings for the accommodation of that branch of the profession of which they are the governing body,—(*The Lord Chelmsford*) 1496
After short debate, Motion amended, and *agreed to*.

PEACE PRESERVATION (IRELAND) ACT—ADDRESS FOR PAPERS—*Moved* for

Returns relating to the proclamation of certain townlands in the county of Donegal; and other Returns relating to the murder of William O'Brien, in the lands of Drumdoo, in the parish of Mohill, in the county of Leitrim,—(*The Earl of Leitrim*) 1500
After short debate, Motion amended, and *agreed to*.

COMMONS, FRIDAY, APRIL 8.

NAVY—DISCHARGES FROM CHATHAM DOCKYARD—CASE OF MR. HOLDEN—Question, Mr. P. W. Martin; Answer, Mr. Childers 1501
IRELAND — DUBLIN CARRIAGE ACT—Question, Mr. Pim; Answer, Mr. Chichester Fortescue 1502
FACTORY ACTS EXTENSION ACT, 1867—THE BRASS FOUNDERS—Question, Mr. Akroyd; Answer, Mr. Bruce 1504
METROPOLIS—HYDE PARK—Question, Sir Harry Verney; Answer, Mr. Ayrton 1505
IRELAND—CASE OF MR. GOOLD, R.M.—Question, Mr. Dease; Answer, Mr. Chichester Fortescue 1506
PARLIAMENT—HOUSE OF COMMONS—THE LADIES' GALLERY—Question, Mr. H. A. Herbert; Answer, Mr. Ayrton 1506

Irish Land Bill [Bill 29]—

Bill *considered* in Committee [*Progress 7th April*] 1506
Clause 3 (Compensation in absence of custom).
After long time spent therein, Committee report Progress; to sit again upon *Thursday* 28*th April*.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

METROPOLIS—WATERSIDE CATTLE MARKET—Observations, Mr. Samuda; Reply, Mr. W. E. Forster:—Short debate thereon 1543

TABLE OF CONTENTS.

SUPPLY—Committee—*continued.*

ARMY—REPORT OF MILITARY EDUCATION COMMISSION—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is not desirable to diminish the value hitherto attached to natural and physical science and the English language, in the examinations for direct commissions, and for admission to the military educational institutions, nor to lessen the importance of those subjects in the subsequent course of instruction and examinations,"—(*Sir John Lubbock,*)—instead thereof 1552

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

IRELAND — POLITICAL PRISONERS—CASE OF "GENERAL" BURKE—Observations, Mr. Moore; Reply, Mr. Bruce 1581

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES—*considered* in Committee.

(In the Committee.)

£2,323,000 on Account Civil Service Estimates 1583

Moved, "That a sum, not exceeding £1,723,000,"—(*Mr. Dillwyn.*)

After short debate, Amendment, by leave, *withdrawn.*

Resolved, That a sum, not exceeding £2,323,000, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services, to the 31st day of March 1871 : viz.

[Then the several Services are set forth.]

Resolution to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

CONVENTUAL AND MONASTIC INSTITUTIONS — MOTION FOR NOMINATION OF SELECT COMMITTEE—*Moved,*

"That the Select Committee on Conventual and Monastic Institutions be nominated by the Committee of Selection,"—(*Mr. Newdegate*) 1588

Amendment proposed,

To leave out from the words "That the" to the end of the Question, in order to add the words "Order for the appointment of the Committee be discharged,"—(*Mr. Cogan,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:" — After short debate, *Moved,* "That this House do now adjourn,"—(*Mr. Dodds:*)—After further short debate, Motion, by leave, *withdrawn.*

Question again proposed, "That the words proposed to be left out stand part of the Question:"—*Moved,* "That the Debate be now adjourned," —(*Mr. Pease:*)—The House *divided;* Ayes 76, Noes 110; Majority 34.

Question again proposed, "That the words proposed to be left out stand part of the Question:"—*Moved,* "That this House do now adjourn," —(*Mr. Brady,*)—put, and *negatived.*

Question again proposed, "That the words proposed to be left out stand part of the Question:"—After further short debate, Debate *adjourned* till *Thursday* 28th April.

Bridgwater and Beverley Disfranchisement Bill—*Ordered* (*Mr. Attorney General, Mr. Solicitor General, Mr. Secretary Bruce*); *presented,* and read the first time [Bill 98] 1598

Norwich Voters Disfranchisement Bill—*Ordered* (*Mr. Attorney General, Mr. Solicitor General, Mr. Secretary Bruce*); *presented,* and read the first time [Bill 99] .. 1599

COMMONS, MONDAY, APRIL 11.

ORDNANCE SURVEY WORKS—Question Mr. Wren-Hoskyns; Answer, Mr. Ayrton 1599

NAVY—DEPTFORD DOCKYARD — Question, Sir John Hay; Answer, Mr. Childers 1600

FACTORIES AND WORKSHOPS RETURNS — Question, Mr. Baines; Answer, Mr. Bruce 1600

HABITUAL CRIMINALS ACT—Question, Mr. Hunt; Answer, Mr. Bruce .. 1601

CHINA — UPPER YANGTSZE RIVER—Question, Mr. Liddell; Answer, Mr. Otway 1602

METROPOLIS—THAMES EMBANKMENT—Question, Mr. W. H. Smith; Answer, Mr. Gladstone 1602

METROPOLITAN DISTRICT RAILWAY — Question, Mr. Sherriff; Answer, Mr. Ayrton 1603

WEST INDIES—COLONIAL SECRETARY, NEVIS—Question, Mr. Peek; Answer, Mr. Monsell 1603

ECCLESIASTICAL COMMISSIONERS' GRANTS—Question, Mr. M. T. Bass; Answer, Mr. Acland 1604

BRITISH COLUMBIA — WATER BOUNDARY QUESTION — Question, Viscount Milton; Answer, Mr. Otway 1605

NORTH WALES CIRCUIT—Question, Mr. Bourke; Answer, Mr. Bruce .. 1606

SIERRA LEONE—MR. JUSTICE HUGGINS—Question, Mr. Moore; Answer, Mr. Monsell 1606

WAYS AND MEANS—THE FINANCIAL STATEMENT—

WAYS AND MEANS *considered* in Committee 1607

Financial Statement of *The Chancellor of the Exchequer* on moving the First Resolution,

That, towards raising the Supply granted to Her Majesty, on and after the undermentioned dates, in lieu of the Duties of Customs now charged on the articles undermentioned, the following Duties of Customs shall be charged thereon, on importation into Great Britain or Ireland, viz.:

On and after the second day of May, one thousand eight hundred and seventy,—

Sugar, viz.: *£ s. d.*

Candy, Brown or White, Refined Sugar, or Sugar rendered by any process equal in quality thereto, and manufactures of Refined Sugar . . . . the cwt. 0 6 0

On and after the thirteenth day of April, one thousand eight hundred and seventy,—

Sugar not equal to refined :—

[Then the several Articles are set forth.]

And that the said Duties shall be paid on the weights ascertained at landing.

After long debate, Motion *agreed to*:—Other Resolutions *agreed to.*

Resolutions to be reported *To-morrow*, at half-past Two of the clock; Committee to sit again upon *Monday* 25th April.

CORRUPT PRACTICES—MOTION FOR A SELECT COMMITTEE—*Moved,*

"That a Select Committee be appointed to inquire into the state of the Law affecting such persons as have been reported guilty of Corrupt Practices by any Commission issued in accordance with the Acts 15 & 16 Vic. c. 57, and 31 & 32 Vic. c. 125, and who are now Members of this House, and to recommend what proceedings, if any, should be taken by this House with respect to such Members, and what alteration, if any, should be made in the Law,"—(*Mr. Gladstone*) 1687

Amendment proposed,

To leave out all the words after the words "inquire into the" to the end of the Question, in order to add the words "operation of the Acts 15 & 16 Vic. c. 57, and 31 and 32 Vic. c. 125, and to recommend what alteration, if any, should be made in the Law; and, further, to inquire into the truth of the allegations contained in Petitions which have been presented to this House during the present Session, praying that an inquiry may be instituted into the conduct of certain Commissioners appointed in accordance with the provisions of the above-recited Acts,"—(*Mr. Lowther,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn*:—Original Question put, and *agreed to.*

Game Laws Amendment, &c. Bill—*Ordered* (*The Lord Advocate, Mr. Secretary Bruce*); *presented*, and read the first time [Bill 101] 1702

Oyster and Mussel Fisheries Supplemental (No. 2) Bill—*Ordered* (*Mr. Shaw Lefevre, Mr. Stansfeld*); *presented*, and read the first time [Bill 100] .. 1702

Valuation of Lands and Assessments (Scotland) Bill—*Ordered* (*The Lord Advocate, Mr. Adam*); *presented*, and read the first time [Bill 102] 1702

TABLE OF CONTENTS.

COMMONS, TUESDAY, APRIL 12.

Page

CANADA—INTERCOLONIAL RAILWAY LOAN—Question, Mr. Monk; Answer, Mr. Monsell 1702

SCOTLAND—ROADS AND BRIDGES—Question, Mr. Stuart Parker; Answer, The Lord Advocate 1703

PARLIAMENT—PROGRESS OF PUBLIC BUSINESS—ADJOURNMENT—

Moved, "That this House at its rising do adjourn till Monday the 25th of April,"—(*Mr. Gladstone*) 1703

After debate, Motion *agreed to*:—House at rising to adjourn till *Monday* 25th April.

NOTICES OF MOTIONS—

Ordered, "That the Report of the Resolutions of the Committee of Ways and Means do take precedence of the Notices of Motions,"—(*Mr. Gladstone*)

WAYS AND MEANS—Resolutions [April 11] *reported* 1719

After short debate, Resolutions 1 to 6 *agreed to.*

Resolution 7 (Gun Licences).

After further short debate, Resolution *agreed to.*

Subsequent Resolutions read a second time, and *agreed to.*

Bills *ordered* (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*).

PATENTS FOR INVENTIONS—MOTION FOR A SELECT COMMITTEE—

[House counted out.]

COMMONS, MONDAY, APRIL 25.

CONTROVERTED ELECTIONS—MALLOW BOROUGH—

Judges Certificate and Report read, and ordered to be entered in the Journals of this House 1726

EPPING FOREST—Question, Mr. Beresford Hope; Answer, Mr. Gladstone 1727

FRANCE—COMMERCIAL TREATY—Question, Mr. Vance; Answer, Mr. Otway 1727

ARMY—THE 18TH REGIMENT—Question, Mr. R. Torrens; Answer, Mr. Monsell 1728

CONVENTUAL AND MONASTIC INSTITUTIONS—Observations, Mr. Newdegate 1728

THE MURDERS IN GREECE—Question, Mr. Monk; Answer, Mr. Otway .. 1730

WAYS AND MEANS—*considered* in Committee 1731

Resolutions 1 to 17 *agreed to;* to be reported *To-morrow;* Committee to sit again upon *Wednesday*.

Naturalization Bill (*Lords*) [Bill 86]—

Bill *considered* in Committee 1734

After short time spent therein, Bill *reported*, with Amendments; as amended, to be considered *To-morrow*.

War Office Bill [Bill 30]—

Moved, "That the Bill be now read the third time,"—(*Mr. Cardwell*) .. 1742

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Joshua Fielden.*)

After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 80, Noes 6; Majority 74:—Main Question put, and *agreed to*:—Bill read the third time; verbal Amendments made; Bill *passed.*

Poor Relief (Metropolis) Bill [Bill 36]—

Moved, "That the Bill be now read a second time,"—(*Mr. Goschen*) .. 1769

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Dr. Brewer.*)

Question proposed, "That the word 'now' stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn*:—Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *Thursday*.

[*April* 25.] Page

Bridgwater and Beverley Disfranchisement Bill [Bill 98]—
Moved, "That the Bill be now read a second time,"—(*Mr. Attorney General*) 1787
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Colonel Stuart Knox.*)
Question proposed, "That the word 'now' stand part of the Question:" —After short debate, Question put, and *agreed to*:—Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *Monday* next.

Norwich Voters Disfranchisement Bill [Bill 99]—
Moved, "That the Bill be now read a second time,"—(*Mr. Attorney General*) 1806
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Frederick Walpole.*)
After short debate, Question, "That the word 'now' stand part of the Question," put, and *agreed to*:—Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *Monday* next.

Wine and Beerhouse Act Amendment Bill [Bill 97]—
Moved, "That the Bill be now read a second time,"—(*Sir Henry Selwin-Ibbetson*) 1809
Motion *agreed to*:—Bill read a second time, and *committed* for *Tuesday* 10th May.

Religious Tests Bill—
Acts read; *considered* in Committee 1810
After debate, a Resolution *agreed to,* and *reported*:—Bill *ordered* (*Mr. Dodson, Mr. Solicitor General, Mr. William Edward Forster*); *presented,* and read the first time. [Bill 105.]

Entail (Scotland) Bill—*Ordered* (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*); *presented,* and read the first time [Bill 108] 1814

Criminal Courts Procedure (Scotland) Bill—*Ordered* (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*); *presented,* and read the first time [Bill 107] .. 1814

Army Enlistment Bill—*Ordered* (*Mr. Secretary Cardwell, Captain Vivian*); *presented,* and read the first time [Bill 106] 1814

COMMONS, TUESDAY, APRIL 26.

PRISONS—ENGLAND AND WALES—Question, Mr. Hibbert; Answer, Mr. Bruce 1814
POST OFFICE—LETTER CARRIERS—Question, Sir Henry Hoare; Answer, The Marquess of Hartington 1815
CANADA—RED RIVER EXPEDITION—Question, Mr. R. Torrens; Answer, Mr. Monsell 1816
BRIGANDAGE IN GREECE—Question, Mr. Cadogan; Answer, Mr. Otway .. 1817

COLONIES—MOTION FOR A SELECT COMMITTEE—*Moved,*
"That a Select Committee be appointed to inquire into the political relations and modes of official inter-communication between the self-governing Colonies and this Country, and to report whether any or what modifications are desirable, with a view to the maintenance of a common nationality cemented by cordial good understanding," —(*Mr. Robert Torrens*) 1817
Previous Question proposed, "That that Question be now put,"—(*Viscount Bury.*)
After long debate, *Previous Question* put:—The House *divided;* Ayes 67, Noes 110; Majority 43.

[*April* 26.] *Page*

Railway Companies—Motion for a Select Committee—*Moved*,
"That a Select Committee be appointed to inquire into the Law and the administration of the Law of compensation for accidents as applied to Railway Companies,"—(*Mr. Denison*) 1908
Amendment proposed,
At the end of the Question, to add the words "and also to inquire whether any and what precautions ought to be adopted by Railway Companies with a view to prevent accidents,"—(*Mr. Hinde Palmer.*)
After short debate, Question, "That those words be there added," put, and *agreed to*:—Words *added*:—Main Question, as amended, put, and *agreed to.*

Settled Estates Bill—*Ordered* (*Mr. Stapleton, Colonel Stepney, Mr. Stacpoole*) .. 1914
Charities, &c. Exemption Bill—*Ordered* (*Mr. Muntz, Viscount Sandon, Mr. Wheelhouse*); *presented*, and read the first time [Bill 109] 1914

COMMONS, WEDNESDAY, APRIL 27.

Marriage with a Deceased Wife's Sister Bill [Bill 11]—
Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Thomas Chambers*) 1915
Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to alter the Law of Marriage, which has existed in this Country from time immemorial, as to the degrees of kindred and affinity within which Marriages are permitted, until Parliament has considered the whole question whether degrees of affinity should be put on a different footing from the corresponding degrees of consanguinity,"—(*Mr. Spencer Walpole,*)—instead thereof.
Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 184, Noes 114; Majority 70.
Division List, Ayes and Noes 1956
Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*
Bill *considered* in Committee.
After short time spent therein, Bill *reported;* as amended, to be considered *To-morrow.*

Admiralty District Registries Bill—*Ordered* (*Mr. Graves, Viscount Sandon, Mr. Rathbone*); *presented*, and read the first time [Bill 111] 1959

LORDS, THURSDAY, APRIL 28.

New Peer—George Carr Glyn, esquire, having been created Baron Wolverton of Wolverton in the county of Buckingham .. 1960

Greece—Capture and Murder of British Subjects—
Correspondence (Parts I. and II., 1870) *presented* (*The Earl of Clarendon*:) —Short debate thereon 1960

COMMONS, THURSDAY, APRIL 28.

Army—Weights and Measures in Canteens—Question, Mr. Stephen Cave; Answer, Mr. Bruce 1963
Ecclesiastical Titles Act—Question, Mr. Stacpoole; Answer, Mr. Gladstone 1964
Truck Act—Question, Sir David Wedderburn; Answer, Mr. Bruce .. 1964
Salmon Fisheries Report—Question, Mr. H. A. Herbert; Answer, Mr. Bruce 1965
Chapel and Schools Site Bill—Question, Mr. Owen Stanley; Answer, Mr. Bruce 1966

[*April* 28.] *Page*

SHALE MINES—Question, Sir Robert Anstruther; Answer, Mr. Bruce .. 1966
ARMY—MILITIA ORDERS FOR 1870—Question, Mr. Beach; Answer, Mr. Cardwell 1967
GREECE—MURDER OF ENGLISHMEN BY BRIGANDS—Questions, Mr. W. C. Cartwright, Sir James Elphinstone; Answers, Mr. Otway, Mr. Childers 1967

Irish Land Bill [Bill 29]—
Bill *considered* in Committee [*Progress 8th April*] 1968
Clause 3 (Compensation in absence of custom).
After long time spent therein, Committee report Progress; to sit again upon *Monday* next.

Naturalization Bill (*Lords*) [Bill 86]—
Bill, as amended, *considered* 2020
Amendments made:—Bill to be read the third time upon *Monday* next.

CONVENTUAL AND MONASTIC INSTITUTIONS—MOTION FOR NOMINATION OF SELECT COMMITTEE—
Order read, for resuming Adjourned Debate on Amendment proposed to Question [8th April], "That the Select Committee on Conventual and Monastic Institutions be nominated by the Committee of Selection:"—(*Mr. Newdegate*:)—And which Amendment was,

To leave out from the words "That the" to the end of the Question, in order to add the words "Order for the appointment of the Select Committee on Conventual and Monastic Institutions be discharged,"—(*Mr. Cogan*,)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question:"—Debate *resumed* 2025
Motion made, and Question put, "That the Debate be now adjourned,"—(*Mr. Pease*:)—The House *divided*; Ayes 128, Noes 173; Majority 45.
Question again proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Motion made, and Question, "That this House do now adjourn,"—(*Mr. Herbert*,)—put, and *negatived*.
Question again proposed, "That the words proposed to be left out stand part of the Question:"—Debate arising:—Debate *adjourned* till *Monday* next.

Sale of Liquors Bill—Acts *considered* in Committee:—Resolution *agreed to*, and *reported*: Bill *ordered* (*Sir Wilfrid Lawson, Sir Thomas Bazley, Lord Claud Hamilton, Sir John Hanmer, Mr. Miller, Mr. Dalway, Mr. Macarthy Downing*); *presented*, and read the first time [Bill 112] 2034

LORDS, FRIDAY, APRIL 29.

High Court of Justice Bill (No. 72)—
Appellate Jurisdiction Bill (No. 73)—
Order of the Day for the House to be put into Committee (on Re-commitment) to consider the High Court of Justice Bill 2034
Moved, "That the House do now resolve itself in Committee,"—(*The Lord Chancellor*:)—After debate, Motion (by leave of the House) *withdrawn*; and Committee (on Re-commitment) *put off sine die*.
APPELLATE JURISDICTION BILL. Committee (on Re-commitment) which stands appointed for this day, *put off sine die* 2057

COMMONS, FRIDAY, APRIL 29.

INDIA—DESPATCH TO MR. CARTIER—NAWAB NAZIM—Question, Mr. Haviland-Burke; Answer, Mr. Grant Duff 2057
MALTA—COUNCIL OF GOVERNMENT—Question, Mr. Kinnaird; Answer, Mr. Monsell 2058
PARLIAMENT—PALACE OF WESTMINSTER—THE CENTRAL HALL—Question, Mr. A. Seymour; Answer, Mr. Ayrton 2059

[*April* 29.]

Page

RED SEA SURVEY—Question, Mr. Gourley; Answer, Mr. Childers .. 2059

NATAL—THE RED RIVER—Question, Mr. R. Fowler; Answer, Mr. Monsell 2060

ATTEMPT TO SHOOT MR. BUXTON, M.P.—Question, Colonel French; Answer, Mr. Bruce 2060

ARMY—BREECH-LOADERS FOR THE VOLUNTEERS—Question, Lord Elcho; Answer, Mr. Cardwell 2061

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

ARMY—CASE OF COLONEL BOXER—MOTION FOR A SELECT COMMITTEE—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into and report on all the circumstances which led to the resignation of Colonel Boxer of the office he held in the Royal Laboratory,"—(*Mr. O'Reilly,*)—instead thereof 2062

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn.*

IRELAND—MAGISTERIAL APPOINTMENTS—LEITRIM COUNTY—MOTION FOR PAPERS—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of the Correspondence between the Lord Chancellor of Ireland and the Lieutenant of the county of Leitrim, relative to the appointment of Messrs. Nathaniel Maguire, Francis M'Keon, and Bernard Maguire to the commission of the peace; with Copies of their qualifications, and the Memorial respecting these appointments presented to the Lord Chancellor by a deputation of Magistrates from the said County,"—(*Viscount Crichton,*)—instead thereof 2089

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

BUSINESS OF THE HOUSE—EDUCATION BILL—Observations, Sir Lawrence Palk; Reply, Mr. Gladstone 2094

COMMUTATION OF SENTENCES—CASE OF JACOB SPINASA—Observations, Sir George Jenkinson; Reply, Mr. Bruce:—Short debate thereon .. 2098

SPAIN—CASE OF THE "TORNADO"—Questions, Observations, Mr. Bentinck; Reply, Mr. Otway:—Short debate thereon 2109

HABITUAL CRIMINALS ACT—Question, Mr. Assheton Cross; Answer, Mr. Bruce 2133

Original Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*:—Committee *deferred* till *Monday* next.

Poor Relief (Metropolis) Bill [Bill 36]—

Bill *considered* in Committee 2135

After short time spent therein, Bill *reported;* as amended, to be considered upon *Monday* next.

Queen Anne's Bounty (Superannuation) Bill—*Ordered* (*Mr. Bouverie, Mr. Gathorne Hardy*); *presented,* and read the first time [Bill 114] 2136

LORDS.

NEW PEER.

Thursday, April 28, 1870.

George Carr Glyn, esquire, Baron Wolverton of Wolverton in the county of Buckingham.

SAT FIRST.

Friday, March 18, 1870.

The Lord Boston, after the Death of his Father.

Monday, March 28.

James Bishop of Manchester.

Tuesday, April 5.

Marcus Gervais Archbishop of Armagh.

Representative Peer for Ireland (*Writs and Returns*).

Thursday, April 7.

The Earl of Lanesborough, *v.* Lord Crofton, deceased.

COMMONS.

NEW WRITS ISSUED.

Monday, March 21, 1870.

For *Bristol*, *v.* The Honourable Francis Henry Fitz-Hardinge Berkeley, deceased.

Friday, March 25.

For *Newark*, *v.* Edward Denison, esquire, deceased.

Friday, April 1.

For *Devon County* (Eastern Division), *v.* Lord Courtenay, Chiltern Hundreds.

Thursday, April 28.

For *Mallow*, *v.* Henry Munster, esquire, void Election.

For *Mayo County*, *v.* George Henry Moore, esquire, deceased.

Friday, April 29.

For *Longford County*, *v.* The Honourable Reginald James Macartney Greville-Nugent, void Election.

NEW MEMBERS SWORN.

Tuesday, March 29, 1870.

Bristol—Elisha Smith Robinson, esquire.

Monday, April 4.

Newark—Samuel Boteler Bristowe, esquire.

Monday, April 11.

Devon County (Eastern Division)—John Henry Kennaway, esquire.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE *TWENTIETH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 10 DECEMBER, 1868, AND THENCE
CONTINUED TILL 8 FEBRUARY, 1870, IN THE THIRTY-
THIRD YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Wednesday, 16th March, 1870.

MINUTES.]—WAYS AND MEANS—*Resolutions* [March 15] *reported* — Consolidated Fund (£9,564,191 7*s.* 2*d.*)
Ordered—*First Reading*—Consolidated Fund (£9,564,191 7*s.* 2*d.*)
First Reading—Game Laws Abolition* [73]; City of London (Parishes, &c.)* [74].
Second Reading—Ballot [23], *debate adjourned;* Dublin Collector-General of Rates Franchise* [61]; Registration of Voters [53], *debate adjourned.*
Withdrawn—Game Laws Amendment [3]; Annuity Tax (Edinburgh) [4].

GAME LAWS AMENDMENT BILL.

(*Mr. Philip Wykeham-Martin, Sir David Salomons, Sir Henry Hoare.*)

[BILL 3.] SECOND READING.

Order for Second Reading read.

MR. P. WYKEHAM-MARTIN, in moving that the Bill be now read the second time, said, he had been informed that the Home Secretary, in common with many hon. Members, considered that the 2nd clause, containing the words "any agreement or covenant to the contrary notwithstanding," was an interference with the rights of property, and that it went further than the Government considered necessary to secure the object in view. The right hon. Gentleman had informed him that he was willing to let the Bill be read a second time, on condition that he was allowed to frame a substituted clause that would, while avoiding the objectionable interference with the rights of property, put the tenant in a more satisfactory position with regard to game than he was at present. If the House would permit the Bill to be read a second time, he would undertake that no hon. Member should be regarded as having admitted anything further than that there was an evil in existence with respect to the Game Laws which required a remedy—the nature of that remedy being left for future determination; and he further pledged himself that the Committee should not be taken before the 29th of June, so as to allow ample time for consideration. Shooting being the great amusement of his life, he was not likely to draw up a Bill that would seriously interfere with that recreation; but, having watched the operation of the Game Laws for a considerable time, he had come to the conclusion that some alteration in them was desirable. He had based his Bill upon the declaration of the Committee which sat in 1845 to investigate the operation of the Game Laws, that the species of damage sustained by tenants under those laws was attributable to hares and rabbits, and not to feathered game. The most difficult part of the question was, how to deal with rabbits? The proposition of several of the Agricultural Chambers was to make rabbits the absolute property of the tenant; but he was certain if that was done they would be more numerous than ever—for, wherever the the right to preserve rabbits had been surrendered, he had always found the tenant took care to keep a good supply for his own diversion; and one, when he mentioned to him that the rabbits appeared to be on the increase, replied that he had put a few down for his own sport. It had also been proposed to abolish the Game Laws altogether. But no benefit would result from such a course. Feathered game was the best friend to the farmer; and the object would not be attained, as in the attempt to exterminate hares and rabbits by ferrets and nets damage would be done to the land which would come under the law of trespass. A third proposal was to make hares and rabbits vermin. They were not so; but, on the contrary, they were wholesome articles of food, consumed chiefly by the poorer classes. The consumption of rabbits in London alone was 1,500,000; and he had been informed that more nourishment was to be got out of a rabbit which cost 14*d.* than out of a piece of meat of the same value. Rabbits mostly lived on land not suitable for the production of beef and mutton; and an erroneous statement had been put forward that six rabbits consumed in a year as much food as a sheep. It appeared that six Ostend rabbits as big as hares were stuffed with as much food as they could eat; and a calculation was made from it, that they consumed in a year as much as a sheep. But he thought that one sheep had little superiority over six rabbits of that size. On many farms of light sandy soil it would pay better to breed rabbits than to produce corn. He knew of a farm where, with high farming, the owner, who farmed the estate, could only produce one crop of wheat in ten years; but if he were to turn his attention to rabbit cultivation, he would realize ten times more by them than he did by his corn. He admitted that on cultivated lands it was hardly possible to overrate the damage rabbits and hares inflicted on the crops, especially the corn crops; and the farmer suffered in another way, as from the sample being uneven he had to sell the produce in the market as damaged wheat. The most unfortunate effect, however, of the present laws in respect to game was the constant ill-feeling between the landlord and tenant to which they gave rise. A great deal was to be said on the landlord's side; and the reduction of rent, in many cases where game was preserved, was enormous—he knew of an instance where, besides compensation, the landlord submitted to a reduction of £1 an acre in the rent for preserving game. He was told that if this Bill passed into a law there would be an end of all sport. But Lord Leigh had given up to his tenants the rabbits and hares, and the consequence was that feathered game was as plentiful as ever; and a Norfolk friend of his said he did not believe there were so many partridges in all England—out of Norfolk—as were to be found on another estate which was managed on the same rule. The present Bill was a moderate proposal; and, if not accepted, landlords might go further and fare a great deal worse. If those who were interested in the land were to act generously and fairly by the tenants he was certain they need not fear that legitimate sport would be deteriorated. It would be far better to settle this question now than to be driven to it hereafter, in a time of popular excitement and in a spirit of exasperation between landlords and tenants. The hon. Member then moved that the Bill be now read a second time.

Sir DAVID SALOMONS seconded the Motion. He was no sportsman himself; but he had some experience of the working of the Game Laws as a country justice attending petty sessions, and it grieved him, as a magistrate, to have to witness their injurious effect on the labouring classes, and have to decide cases arising from trespass to catch a rabbit. The letting the shooting to strangers acted as a great temptation to persons to enter on lands and kill rabbits, knowing the occupiers had no interest in preserving them. There was nothing that tended so much to demoralize the rural labouring population as the maintenance of the Game Laws, which now included rabbits by a recent statute. You had difficulty in making a man believe that in trying to catch a rabbit he was committing a crime by which he was either sent to the treadwheel, and his character ruined for life, or else had to pay fines and costs he and his family together found it no easy thing to collect.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. P. Wykeham-Martin.*)

MR. KNIGHT said, the hon. Member who had brought forward this Bill had failed to provide against the discontent caused by the modern system of letting the shooting of game to strangers. When the game belonged to the landlord, the tenant got a *quid pro quo* for the damage done; very few tenants existed who were not glad to see the landlord and his sons and friends shooting over their farms; and, for his part, he had never on these occasions gone over a farm with his tenant without the latter getting some benefit in the shape of an improvement. But the letting the shooting to strangers gave rise to very different feelings. For example, when a stranger, probably from some distant town, rented a shooting and sent a number of strange keepers on the farm—who were frequently regarded as a kind of foreign police—frequently he took a business view of the transaction, and attempted to recoup himself, and, if he could, to make a profit by sending the game and rabbits to market. Such sportsmen had no sympathy with farmers, and this system created great irritation in the minds of tenants against the Game Laws. To stop this power of placing a second tenant over the head of the first, he felt inclined to move in Committee a clause to the effect that the game should belong either to the landlord or to the tenant. Permission might be given to the tenant, if he chose, to let the game to another person; but he objected to the landlord bringing in a second tenant. The observations he was making did not, of course, apply to the heathy tracts in the North of England and in Scotland, but only to cultivated lands. While, then, he sincerely hoped that the landed proprietors of England might long continue to enjoy legitimate sport on their lands, he believed the Legislature should at once proceed to stop this system of double tenancy.

MR. PEASE said, the principal fault in the Bill was that it directly interfered in the contract between landlord and tenant. He could hardly believe that the House was prepared to abolish the Game Laws, after it had passed a law for the preservation of sea birds. For his own part, he thought the Game Laws incidentally conferred great social advantages by inducing landlords to reside upon their estates during the autumn, whereas if they were abolished many of them would go abroad. Considerable alterations were necessary; but he could not approve of the abolition of the laws altogether. There was one matter which had been omitted from the Bill. It contained no reference as to hares, which he considered in many instances were more destructive than rabbits, as they were more capricious in their feeding, and travelled far from the coverts into the crops. A great alteration was required in the administration of these laws, especially in the abolition of the accumulative penalties, also of the power to fine an occupier as such over and above the penalties for poaching; especially as they were administered by magistrates who were of the class who were most interested in enforcing them, and sometimes it savoured more of persecution than prosecution.

COLONEL BRISE said, he understood his hon. Friend the Member for Rochester was willing to withdraw all the clauses of the Bill, leaving only the Preamble. If he would do that he would surrender the principle of the Bill, which was to interfere in the right of free contract between landlord and tenant. He had voted for the Irish Land Bill on the assurance that the Irish tenant was not in a condition to make a free contract with his landlord, and that similar interference would never be attempted in England. But this Bill proposed precisely such an interference. He thought it an insult to the tenantry of England to tell them they were not capable of making contracts with their landlords. He thought the Bill, as it stood, was unnecessary, insufficient, and inoperative. It was unnecessary as regarded rabbits, as they were now the property of the tenants; it was insufficient to remedy the grievance arising from the over-preservation of game; and inoperative because landlords would be able to make, indirectly, an arrangement with their tenants which would completely nullify the Bill. The great mischief, he believed, arose from the preservation of the ground game in the coverts and preserves of the landlords, and not from the rabbits bred upon the farms of the occupiers. These animals came from the coverts and destroyed whole acres of growing crops; and for such damage the farmer had no remedy. The Agricultural Chambers had unanimously passed resolutions condemnatory of the existing Game Laws. The hon. Member was proceeding to discuss the general question of the Game Laws, recommending that they should be abolished, if a stringent law of trespass could be substituted, when—

Mr. SPEAKER said, the hon. and gallant Gentleman was not in order in discussing the general question. The fact that notice had been given of the general question of the Game Laws for a future day would be an additional reason. They had a Bill then before them for a particular object, and the discussion must be confined to that Bill.

Colonel BRISE said, that the great evil arose from over-preservation. Over-preservation, however, brought its own punishment on the landlord, not only by the injury of his woods and plantations and the diminution of his rents, but by the injury to his character and the ill-feeling it engendered with his neighbours. He desired to see some alterations in the Game Laws such as would preserve their rights to the landlords, and at the same time meet the just complaints of the tenants.

Sir GEORGE GREY said, he would confine the few observations he desired to make to the Bill of his hon. Friend. There were two questions they had to consider—first, what was the evil his hon. Friend proposed to meet? and second, what was the remedy he proposed to meet that evil? His hon. Friend said that he had founded his Bill upon a fact in respect to which all hon. Members were agreed, that there was in many cases an over-preservation of ground game, especially of rabbits; and that not only great injury was done to growing crops by the quantity of ground game, with which the tenant could not interfere, but also that a very bad feeling was consequently produced between landlords and their tenants. Now, what was the remedy his hon. Friend proposed for these evils; and what was it they were asked to agree to? In the 2nd clause of the Bill he read that the tenant might, on land of his own occupation, kill rabbits; and in the 3rd clause that he could do so without a licence. To the first of these clauses was added the proviso that any existing agreement between tenant and landlord depriving the tenant of the right which the law gave him, should be absolutely void. His hon. Friend, however, consented to the omission of this proviso—which, in fact, constituted the Bill. Without that proviso the Bill would make no difference at all in the existing law; for, as was well known, a tenant could kill rabbits on his farm, provided there was no agreement between him and his landlord preventing him, and no licence was required to kill rabbits. The law was the same as to hares. There was no Preamble to the Bill; and if these clauses were withdrawn, in order to substitute others for them, they would find themselves in Committee on a Bill with nothing but its title, and would be asked to frame another Bill in Committee to which the House had never given a second reading. His hon. Friend had intimated that the Government proposed to make some alteration in the Bill; but if the Government were going to deal with the subject at all, they had better do so by a Bill framed and introduced by themselves.

Mr. BRUCE was bound to say that the argument just used by the right hon. Gentleman against the second reading of the Bill was irresistible. His objection to the Bill was that one part of it was unnecessary, and that the other, that which interfered with the power of landlord and tenant to contract with respect to rabbits, would work mischievously, for if it passed very few leases would be granted. His hon. Friend, no doubt, had expressed his willingness to withdraw the objectionable clauses; but it unfortunately happened that when this was done nothing would be left. He agreed with his hon. Friend that some part of our legislation affecting the position of the tenant ought not to remain on the statute book. He was quite willing to meet his hon. Friend in this matter, for there existed on both sides of the House a desire that the tenant should be placed in a better position than he occupied under the existing laws. It would be very inconvenient to enter upon discussion without having any distinct proposition before the House; but he would say that the Government had undertaken to deal with this question as between tenant and landlord in Scotland, and he saw no reason why the principle adopted in the proposed measure—which would shortly be introduced by his right hon. and learned Friend the Lord Advocate—should not be extended to England. Upon this understanding he hoped his hon. Friend would not insist upon his Motion for the second reading.

Mr. LOCH said, he felt very strongly in regard to the principle that the tenant and landlord should be placed on an equal footing as to killing hares and rabbits. He thought they should be invested by law with an equal power to do so, and he was strongly in favour of the clause which prevented tenants, if so invested with legal power, from divesting themselves of it by agreement with their landlords. He had introduced such a clause in his Bill of last year, and that contained in the Bill of the hon. Member for Rochester was a verbatim transcript of it. The hon. Member had, however, seemed to admit that this principle was likely in its application to interfere with the rights of property; but he believed himself that neither would it interfere with the rights of property nor would it interfere with the power of contracting as between individuals, in any sense or in any greater degree than was already recognized by the law in a great variety of cases.

Mr. P. WYKEHAM-MARTIN said, he would be pleased to leave the question in the hands of the Government.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

BALLOT BILL—[Bill 23.]

(*Mr. Leatham, Mr. Hardcastle, Mr. Hibbert, Sir Harcourt Johnstone.*)

SECOND READING.

Order for Second Reading read.

Mr. LEATHAM: * Sir, the House will naturally expect that, in moving the second reading of this Bill, I should be prepared to defend and enforce the principle upon which it is based. And, Sir, although we have to deplore the recent loss of one of the staunchest, ablest, and most popular advocates whom the Ballot has ever had in this House, yet those who attempt to follow him in its advocacy, are able to enter upon this discussion in good heart. For however strong may have been our position on former occasions, that position has been materially strengthened by the evidence taken by the Committee on Elections, and in a minor degree by their Report, which has been presented to the House, and which is strongly in favour of the adoption of vote by Ballot. I said in a minor degree, because it is impossible that the Report of a Committee, chosen impartially from each side of the House—and from the advocates and opponents of the Ballot—a Committee nearly every vote in which was of a strictly party character, can be a very important document. What is important is the evidence upon which that Report is founded; and I hope that the House will not think that I am trespassing unduly upon their patience if I venture to make a somewhat ample reference to that evidence; for, Sir, I am prepared to contend that to that evidence, taken collectively, no logical reply exists. And first, as to the reality and magnitude of the evils against which this measure is framed. Unhappily, I need not dwell upon the existence and prevalence of corruption at either Parliamentary or municipal elections. This everyone admits. But when a writer, so eminent as Mr. Mill, speaks of intimidation almost as a thing of the past—when we find him founding his whole argument against the Ballot upon the assumption that—

> "Thirty years ago it was still true that in the election of Members of Parliament the main evil to be guarded against was that which the Ballot would exclude—coercion by landlords, employers, and customers"—

it is essential that we should ascertain the truth, for if Mr. Mill's conjecture be the true one, much of the ground upon which we have been standing has been cut from under us; but, on the other hand, if it can be shown to be false, an equal collapse awaits the whole argument of Mr. Mill. Now, if the evidence taken by the Committee upstairs proves one thing, it proves this—that coercion by landlords, employers, and customers is as rampant as ever it was—that the whole electoral atmosphere is charged with it—and that, in many constituencies, the main element of political success is not the use of reason, or of eloquence, or even of money—but the use of pressure. Sir, the investigations of the Committee were carried over a very wide area, and wherever we tapped the electoral system, there we found the presence of intimidation. Indeed, we were unable to take one tithe of the evidence upon this head which was forthcoming. But this, at least, we achieved —so far as we did go, we endeavoured to make sure our steps. Most carefully was the evidence sifted, and, with very few exceptions, in no case of distinctly-charged intimidation was the charge disproved. On the contrary, the farther we went into it, the clearer did its truth become. Take, as an illustration, what is known as the Timpendean case. The Committee were informed that Mr. Scott, a tenant of the Marquess of Lothian, who pays his various landlords no less a sum than £5,000 a year in rent, was refused a renewal of his lease immediately after the last election, because he ventured to vote against the wishes of his landlord. As soon as this charge was made public, the estate agent was sent up—I suppose in order that he might refute the charge. He was examined, cross-examined, re-examined, and examined again, until at last he made so many awkward admissions that I presume the noble Marquess thought it necessary himself to descend into the strife, and to write a letter to the newspapers, in which he said—

> "It is perfectly true that I had many reasons for not letting the farm of Timpendean to Mr. Scott; but I should consider myself acting unfairly if I did not say out at once that among them was the vote he gave at the election."

Now, as was remarked by a member of the Committee, if a person were to say that he had many reasons for giving an elector £50 at an election, but that among them was a desire to obtain his vote, we

should know exactly what inference to draw. And I think, Sir, that we know exactly what inference to draw in this case. But the noble Marquess added a few words which are very interesting and valuable, because they give us a glimpse of what is the real landlord feeling throughout the country. "Nor do I see," says he, "why I should not make the admission;" in other words, "nor do I see anything which is otherwise than honourable in the course which I have taken." Now, let me take another illustration of the way in which charges of intimidation were proved on full investigation. It was stated that out of 154 voters employed at the railway works and station at Carlisle, 136 plumped for an eminent railway director, who was a candidate for the city of Carlisle at the last election, and since the political leaning of most of the men was known to be the other way, the inference was drawn that this unanimity on their part was due to the exercise of pressure. When this evidence became publicly known, an indignation meeting was got up among the men—I use the term advisedly — and flaming resolutions were published which denied all coercion. But, subsequently, a witness appeared before the Committee, from among the men themselves, whose evidence it was found impossible to shake—

> "I could mention more than a score," said he, "who expressed themselves to me, and not only to me but to others, that in consequence of the influence that was brought to bear upon them they violated their principles, and voted against their conscience for the sake of their bread."

Now, mark what pains were taken in order to efface the evidences of this pressure. This man himself was asked by the locomotive superintendent—who is the person empowered to discharge these men — to attend the indignation meeting. He declined, saying—"You know, as well as I do, sir, that things were not done fair." "Well, then," said the superintendent, "you will have to sign a paper." "That altogether depends," replied the man, "upon what the paper contains." "You will have to sign a paper that there was no undue influence used in these works." The man again declined, and was told—"That he would have to sign it, or make up his mind to be discharged." For, Sir, the peculiarity of this crime of intimidation is, that by another turn of the screw you convert your victim into an accomplice after the fact—an accomplice with you in his own dishonour. This is why an Election Judge may make the tour of the country and return without finding any traces of intimidation. And there is at least one prevalent form of influence which cannot, by the very nature of things, be brought under the cognizance of the Judges—I mean that which results through habit, experience, and tradition from the mutual relation subsisting between landlord and tenant. This influence operates as powerfully at an election as though it were backed up by daily acts of oppression. As an example, I would refer to the evidence from Mid-Cheshire. We were told that nine-tenths of the tenant-farmers in Mid-Cheshire are Dissenters, and that almost all the land is in the hands of Conservatives. At the last General Election a great Dissenters' question was uppermost, and many of these men joyfully promised to vote for a particular candidate. When the election had taken place, it was found that 400 of these tenant-farmers who had pledged themselves to support that candidate had voted against him. Now, why was this? We caught a Cheshire landlord and made him tell us. He attributed it to "an idea that except they do just what the landlord pleases, the landlord will not please them in return." And no wonder, if this witness is to be accepted as a faithful exponent of the sentiments of his class. "I believe that it is an evil of having property," said he, "that a man considers that he not only owns this property, but that he owns the souls of his tenants, and," he added with remarkable candour, "I confess that to a certain extent I have that feeling." Now, we hear a great deal of the grand moral lesson taught by open voting. What is the grand moral lesson taught by open voting in Mid-Cheshire? I quote from the same witness. "They think it is rather safer to know nothing when they must vote as they are told." Now, let us pass from Cheshire to the neighbouring Principality. A witness came all the way from Wales to tell the Committee that whatever landlord intimidation there might be in other parts of the country—Wales, at least, was free from it. And in order to prove his point he described to the Committee the *modus operandi* at an election. The landlord, he told us, gives a letter to the candidate whom he supports, expressing his wishes with regard to the votes of his tenantry. Armed with this letter the electioneering agent goes round to the tenants collecting votes just as he might collect rents. And so everything jogged on very quietly until the last election, when a disturbing element broke in upon all this tranquillity and acquiescence. Unfortunately the Welsh are a religious people, and the question upon which the election turned touched their religion. For the first time it occurred to many of them that the franchise was something more than a mere trust for the landlord. Conscience stood on one side, the landlord upon the other; and, strange and unnatural as it may seem, the vote was frequently given to conscience. And what followed? Sir, I will spare the House the narration of what followed. We have need of calmness in this debate, not passion. And do not let anyone argue that these cases are exceptions, and that intimidation is confined to a limited area or to a particular class. Turn to this blue book, and you will find that if it thrives in the rural districts, it positively flourishes in the country towns. The evidence from places like Windsor and Chippenham and Cambridge and Dumfries proves this. But perhaps some hon. Member may say that the great centres of population, at least, are free from it. Let him turn again to the Report. Is Bradford free, or Liverpool, or Stalybridge with its anti-Screw Association? or Blackburn with its Screw circular, or Ashton, where we were told that no less than 242 persons were discharged from their employment because they ventured to give a Conservative vote? This great blue book teems with proofs that wherever one man has power over another, that power, in times of public excitement, he exerts. It is not what happened thirty years ago which is the shame and the disaster, but what happens now—happens every day at a contested election, and the scandal of which I hope is so strong that it may soon penetrate into the seclusion in which philosophers contemplate, and from the closed doors of which they issue to instruct mankind! And, Sir, I have not said a word as yet about that desperate form of coercion, against which the Australian Ballot was chiefly designed, and which it has absolutely crushed—intimidation by mobs. If we turn to the evidence we shall find that the last election, which was so fruitful in every other form of coercion, was especially fruitful in this. At Gravesend a mob—I regret to say calling themselves Liberals—took possession of the town at noon on the polling day, smashed the windows of all known Conservatives, and, if the evidence is to be believed, so intimidated voters that they turned the election. At Bristol hired mobs were hard at work on both sides. In Monmouthshire rioting and the destruction of property were carried to such an extent that in one district alone a sum of nearly £5,000 was claimed as damages from the hundred. At Limerick hired and armed mobs are a recognized feature at every contested election. At Sligo the mob was organized fifteen months before the event. In Monaghan county they went about armed with blunderbusses, rifles, and scythes upon poles. I need not remind the House what happened the other day at Waterford, especially as my hon. Friend, who came here out of great tribulation, may probably take part in this debate; but we may imagine to what a pass things have come at Waterford, when an elected representative cannot dine with his committee without ordering revolvers to be laid for twenty-four. And, Sir, the existence of this mob intimidation in Ireland is made the plea for a deliberate and organized interference with freedom of election almost equally deplorable, and which, if it did not stand proved by incontrovertible evidence, would scarcely be credited by the House. Tenant-farmers are collected by the estate agent, in some instances many days before the election, placed upon strings of cars, handed over to the military, escorted as prisoners, or believing themselves to be prisoners, by horse, foot, and artillery, and all the imposing paraphernalia of an army in occupation of an enemy's country, to the polling-place, kept there in forced custody and with locked doors until the day of poll, not even permitted to avail themselves of the ministrations of religion, and then finally polled in the presence of the landlord or the agent. I said as prisoners, and I said so advisedly. For when General M'Murdo, who commands the Infantry Brigade in Dublin, was asked whether officers in command of these escorts regarded these voters as free men whom they were bound to protect, or in the light of prisoners, he replied—"Practically as prisoners." And when he was asked again, "Whether they understood that they were to take care that these men did not escape," he answered, without hesitation—"Certainly." Now, I am aware that witnesses were called to rebut, if possible, this remarkable evidence; but these rebutting witnesses made admissions which, coming from them, were more damaging than the original statements. Lord Strathnairn was called. "I never dreamt," said he, "of coercing them at all;" but when he was asked by the noble Chairman—

> "But may it not be a fact that the majority of these voters go under escort very much against their inclination, in order to vote according to the wishes of the landlords?"

he replied—

> "It is perfectly possible, and it very often happens, no doubt."

Major Percy, a stipendiary, who was actively engaged in organizing these escorts, was the other rebutting witness; and when he was asked a similar question, he answered—

> "From one or two cases which have come under my knowledge, I should rather be led to the impression that they have thought that they would not be allowed to leave."

Now, if we wish to see how hollow is often the pretext for these escorts, we have only to look at Returns moved for by my hon. Friend the Member for Roscommon, from which it appears that out of twenty-four escorts sent out in the county of Sligo, only fourteen can be shown to have brought in a single elector, so reluctant are these people to be protected. But what is the impression which this display of military force makes upon the population itself? Why, as an intelligent witness told us, that "Government intimidation was combining with landlord intimidation" for the coercion of the elector! And this in a country in which it is essential that Government should stand as well as possible with the peasantry. And how is this two-fold intimidation defeated? By a method peculiarly Irish. By what my hon. Friend the Member for Bedford termed "a sort of pre-arranged burglary and friendly abduction of the voter." He requests that a party of his friends may be sent in the dead of the night to break open his door, smash his windows, and threaten him; sometimes he takes care to prescribe the precise form of violence which he desires should be offered to himself. "Let me be carried out and shaken well," asked one man, "but care should be taken not to hurt me"—the notion being that this show of violence and suffering will soften the heart of the landlord, and that he will forgive the man who appears before him whining and bandaged—the bandages covering no wounds except those of conscience—for declining to vote as he is required. Now, General M'Murdo tells us that this odious system of escorts can be done away with entirely, if we adopt the Ballot. But perhaps some one will say—"This will not be fair to the landlord; the Irish voter is merely a puppet, with two strings attached—one of which is in the hand of the landlord, the other in that of the priest; and if you cut the landlord's string by adopting the Ballot, you leave the priest's string intact, and the priest will have everything his own way." And so open voting is to be maintained in Ireland in order that the landlord may enjoy his due share of intimidation. But if landlord intimidation in Ireland be a good thing, why not repeal your foolish law against it? Why not let everybody intimidate everybody else? Let it be an intimidation match, with fair play all round—the biggest tyrant to win, and then come and join Mr. Mill in describing the franchise as a public trust. Who is this man's public?—the abstraction of the philosopher, or the priest and landlord elbowing him on either side? "Working under pressure," says Mr. Mill, "nothing has so steadying an influence!" A striking tableau this, representing the dignity of open voting! In the foreground the public trustee, whining, bandaged, in the presence of his landlord; in the background, the military armed, and about to drag him to the exercise of his free trust; overhead a lurid sky, charged with spiritual lightning! But is it quite so certain that under the Ballot the priest will have everything his own way? I was much struck by a remark which fell from Mr. Fitzgerald, a colonial witness, who was not called by the advocates of the Ballot, but by the right hon. Gentleman the Member for North Northamptonshire (Mr. Hunt). "The only opponents to the Ballot now," said he, speaking of Australia, "are the Roman Catholic party." When Mr. Verdon, the financial agent for the colony of Victoria, was asked why the Catholics opposed the Ballot, he replied—

> "If the voter were prevented from voting in public, some portion of the control which the Roman Catholic Church conceives that it is proper to exercise over the electors through the priests would be lost."

And Mr. Probyn, a witness who has made himself familiar with Italian politics, through a repeated residence in that country, stated—

> "I once had the honour of meeting Count Cavour, and amongst the questions which I put to him was one concerning the voting, and he gave me the answer which all the politicians of Italy whom I have come across have always given to me, that nothing would induce them to alter the system of voting, and one of their chief reasons was that it nullified undue influence, and the undue influence of which they were most afraid was the clerical influence."

Well, now, Sir, if I were not most anxious to economize the time of the House, I might dwell all the morning upon the revelations of this blue book, proving, as they do, the existence of every form of coercion, coercion which descends by almost insensible gradations from the most brutal violence down to an influence scarcely distinguishable from that which is natural and just. And, bear in mind, that there is hardly one instance, of all these, which was brought, or could be brought, within the grasp of the law. For, Sir, your penal law is almost helpless in the presence of coercion. Some of the reasons for this I have mentioned incidentally; but even were it possible so to present a case as to bring it under the notice of a Judge, what so difficult to prove? The Judges themselves call threatening language "tall talk." What witness so unreliable as a discharged servant? what tale so unworthy of credence as that of an evicted tenant? There are always plausible reasons for the discharge of servants and the eviction of tenants. Bribery you may possibly prove; but who can prove the significance of a gesture? Who can bring a frown into court? But I contend that your law is almost as helpless in the presence of bribery and treating. "For 200 years," said one of the Election Judges, "the Legislature has struggled to strike down the hand of the briber," and that hand is stretched out still.

Now, in all probability the Legislature never struggled more earnestly and with a more complete sacrifice of self than when it passed the last great Act against corrupt practices. By that Act it was, on all hands, admitted that the limits of deterrent law were reached. Henceforth no seat, not even the purest, would be safe. Even the ancient privileges of this House were abandoned in our headlong pursuit of purity. We committed the administration of a law of unexampled severity to a tribunal of unquestioned sternness. And what happened? The moment that the election was over a great crop of petitions, complaining of bribery and treating, came up from the face of the whole country, as from the surface of a fruitful and well-watered field. There were seventy or eighty of them. About one-sixth of these petitions were successful. But will anyone tell me that this result represented the electoral crime of the last election? and that these thirteen or fourteen men, whose blood the Judges mingled with their pecuniary sacrifices were the only guilty Galileans? Will anyone tell me that corruption like that of Beverley or Bridgwater stands alone? Is it not the triumph and masterpiece of a great school of bribery, the ramifications of which extend over the whole country? And if this be so, what is the lesson taught by your new law and your new tribunal? Why, that bribery must be as rank as that of Beverley or Bridgwater, treating as profligate as that of Bradford or Bewdley, intimidation as gross as that of Blackburn or Westbury before, under this last and sternest development of law, it draws down upon the perpetrators of it the judicial rod. And, remember, that you will never have the same chance against the briber as you had then. Sailing is proverbially dangerous without charts. But can the most timorous mariner complain that there are no charts to sail by now? When I brought this question before the House last year I ventured to say that, after the Judges had completed their labours, they would have buoyed the channel of corruption for us from end to end; and when my right hon. Friend the President of the Board of Trade reminded Mr. Baron Martin before the Committee that this observation had been made, the learned Judge, with a little warmth, advised the individual who made it to peruse the collected judgments in order that he might see how erroneous it was. Well, Sir, I accepted the challenge, and, as a necessary consequence, I rise from the perusal of that instructive volume better qualified to bribe, treat, and intimidate, with impunity, than, in all probability, any other hon. Member of this House. Would my hon. Friends desire that I should communicate this valuable information to others? I can only do so in a fragmentary way this morning; but hon. Gentlemen should peruse this Book of Judges for themselves. They will find it a book of much compassionate consideration for human infirmity, of great charity for human motives, and at times, I think, of extraordinary ingenuity devoted to the explanation, from a pure and virtuous point of view, of the acts and practices of men. I never knew before how extremely difficult a thing it is to treat corruptly within the meaning of the statute; and I select this offence especially for illustration, because the attention of the Judges was chiefly turned to it, and because there is no offence which, since the constituencies were popularized, has become so formidable. It was essential, therefore, that the Judges should define, with accuracy, what treating really is; and I think, Sir, that they have given us a definition, of which the most generous, the most hospitable, not to say the most convivial, cannot complain. Now, in the first place, we may infer that treating is not corrupt treating if we take care to begin soon enough.

"Drunkenness," said Mr. Justice Willes, at Tamworth, "in the way of general drunkenness, with a view of influencing the election, according to my reading, and according to what I imagine, rather than have seen, of scenes of this description, would be drunkenness operating upon men at or near the time when you wanted them to come up to the poll to give you votes; and, therefore, to prove that this borough was generally made drunk in the first week in August in order that people might be induced to vote upon the 17th of November, requires drawing a much more far-fetched conclusion than to say that each man got a £5 note in the first week in August in order that he might vote on the 17th November."

And immediately before, he said—

"Where general drunkenness is resorted to on the part of the Member, there is this distinction between it and bribery—You have people commonly brought up drunk to the poll, as, I think, was the case at Bewdley; you have drunkenness continued up to the time at which it is likely to influence the vote of the man who is so vulgar-

> minded that he will sell himself for drink. If you make a man drunk to-day, the election being about to take place upon the 1st of March, it may, or may not, incline him in your favour; he may be your friend in his maudlin state; but when he comes to his senses the next morning, and feels a huskiness in his throat, and has got rid, more or less, of his vice of yesterday, if he were of my mind he would rather feel disposed to be indignant at the person who he discovered had been endeavouring to win his affections with drink; he would form a very mean opinion of the man who endeavoured to get him to vote upon the 1st of next month by making a hog of him on the 15th of this month."—[Shorthand Writer's Notes of the Judgments, p. 177.]

Neither, Sir, is treating corrupt treating if you begin late enough. This was fully explained by Mr. Justice Blackburn, in the North Norfolk case.

> "It appears," said the Judge, "that in a very considerable number of cases, after the election was over, in some cases a day or two afterwards, and in some cases two or three weeks after the election was over, some landed proprietor, some squire or large farmer, gave a dinner to his tenants and people around him, celebrating the victory their side had obtained; and he naturally enough might be expected not to invite those who had voted on the other side; with rare exceptions these people invited their own side. Now, I have already said, in pointing to the words of the statute, that it says it is necessary, in order to make it treating within the 4th section, that it should be given by the candidate, or that the candidate should by his agents be accessory to the treating; and though the statute in express terms says if given after the election it shall be just the same as before, yet nevertheless when given after the election it must be given by the candidates or somebody who still continues to be connected with the candidate. Now, the agency at the election, which was solely from the canvassing before the election, expires with the election: whether or no a person who had been requested to canvass would be an agent whose misconduct would avoid the election, would depend upon the evidence; but unless there is something to show continuing authority, that person could not, if he gave a feast ten days after the election, by that act upset the election. I have no doubt that most of these feasts, though not all of them, which were given after the election, were connected with the election. I have no doubt that the motive in the mind of the giver was connected with there having been an election. The intention was not to induce the electors to vote, because their votes had been already given; but no doubt these dinners, if you could come to the real motive of their being given, were given with the view to increase the influence of the squire who gave them; he gave the meat and drink with the intent of increasing his influence over his tenants and others who would be voters at any future election. No doubt that was the real motive with which these dinners were given; whether it be a right motive or a wrong one, whether it be a wise or a foolish thing to do, I have nothing to do with. All I have to do with is, that as yet no statute has struck at it."—[Shorthand Writer's Notes, p. 277.]

Because, therefore, agency expires with the election this general feasting may go on with impunity, and we thus see how to corrupt a constituency with perfect security; for, of course, people will remember from one election to another what happened at the last, and will argue that if they mean to feast with the squire they must also vote with him. But you may go further than this. You may feast the electors to almost any extent if you take care to get their pledges first. Mr. Scott Chad appears to have been a prominent person at this election. The Judge admitted that he was an agent. He sent round invitations to electors before the election to dine with him at the "Crawfish" after the election. In his defence Mr. Scott Chad said he did not think that he was influencing the voters — he had them quite safe already. But, as the Judge very properly remarked—

> "That would not negative the possibility that the providing of such meat and drink might be corrupt treating; because a man might think, I have got so many safe votes, but it would be a deal safer if I give them meat and drink in order to keep them in good humour."

And yet the Judge decided that this was not corrupt treating, and so, as I maintain, laid down an enormous buoy at the edge of the channel. Precisely in the same way Mr. Justice Willes decided at Coventry that a great political supper was not treating—

> "As an instance," he says, "may be taken, that supper, at which I should conclude that the meat was supplied by Mr. Kilbey (candidate's agent), and that the drink was paid for by contributions amongst those who were present—some giving more and some less, each, probably, according to his capacity" (not of drinking, mind, but of paying)—"and which turned out to be a supper some time before this election—having reference to it, no doubt—but only because it was a supper held in celebration of the efforts of the Tory party at the registration; it was a supper at which Tories supped, and it was a supper at which Tories paid. It was a banquet or entertainment, in pursuance of the old habit of the race from the earliest times of which we have any account, to meet and feast over any occasion upon which a labour in which they have been engaged has been brought to what they consider a successful end. Eating and drinking are to go on, notwithstanding an election coming, in the ordinary and usual course. When that eating and drinking takes the form of enticing people for the purpose of inducing them to change their minds, and to vote for the party to which they do not belong, then it becomes corrupt, and is forbidden by the statute. Until that arrives, the mere fact of eating and drinking, even with the connection which

this supper had with politics, is not sufficient to make out treating."—[Shorthand Writer's Notes, p. 53.]

But I should like to know what means of enticing people to change their minds are likely to be more effective than this perpetual feasting? Every hon. Gentleman knows that there is in each constituency a floating population—a population which floats backwards and forwards in liquor. It is not the Conservative party, or the Radical party, which this population joins, but the noble feasting party. And this great feasting party, whatever it calls itself, has reason to toast the Judges upon all its convivial occasions, for they have given free scope to its energies. Take, in conclusion, the judgment at Salford, given by the learned Judge, who recommended me to read these judgments. The Judge lays down that you may treat the very voter whom you are bringing up to the poll in a hired conveyance against the law.

"The only other head of treating," he says, "which occurred to me, is that to which neither of the learned counsel have referred, and that is the treating of the men who were in the cabs; I am satisfied that that took place. There were men brought in those cabs who were voters, and the course which was pursued proves that that was known to be wrong; because instead of driving straightforwardly up to the poll, the evidence is that the cabs stopped at some distance from it, and that the voters then got out and walked the rest of the way. I cannot doubt that there were some persons who well knew that the bringing these voters was wrong, and that it was colourable, getting them out before they came to the poll for the purpose of pretending that they were not brought in the cabs. It is proved by a variety of evidence, which I have not the slightest doubt is true, hearing of the state of drunkenness which existed in this town, that those cabs pulled up at public-houses and voters got out and had beer; but, nevertheless, in my judgment it would be impossible, without further evidence, to hold that that was corrupt treating. You must take into consideration the character of the people and their habit of treating each other with beer, and that they do it out of a generous or a kindly feeling; it is a common and a usual thing, and I certainly am not prepared to hold that because a canvasser, in bringing a man up to vote upon the day of election, stopped at a public-house, and went in and had a glass of beer, that that was corrupt treating."—[Shorthand Writer's Notes, p. 141.]

Well, Sir, after this decision we need not be surprised that another learned Judge, when asked some questions about treating, expressed himself thus—

"I must at once admit that I do not look upon treating as so hateful a thing as bribery. I rather sympathize with the distinction. I think it is better to wipe up the liquor and say no more about it. If the giving of it within the time can be brought home to the candidate they can petition; but with respect to bribery, I might at once say that whenever it is found out it ought to be brought up against him."—[Minutes of Evidence, xx. p. 54.]

Now, Sir, by these extracts I think I have proved that the channel is so well buoyed that there is little danger of grounding at any state of the tide. But I was prepared, if time had permitted, to have shown precisely the same thing with reference to bribery. Take care to get the man's pledge first, and you may give him any employment you please during an election. The Londonderry and Penryn cases prove this. But you may offer him employment without first getting his pledge, otherwise, as the Judge observed in the Hastings case, you pre-suppose that you must have exclusive dealing at elections. The Hastings case is also instructive on account of the decision—

"That there is no law yet which says that any lavish expenditure in a neighbourhood with a view of gaining influence in the neighbourhood and influencing an election is illegal at all."—[Shorthand Writer's Notes, p. 236.]

And after these decisions the House will not be surprised to learn that a bribe given with the intention of bribing is no bribe, unless you can show also that the person receiving the bribe was aware of your intention—witness the case of the Retainers at Cashel (Shorthand Writer's Notes, p. 235). Well, Sir, I might cite the Guildford and Lichfield cases in order to show how the little difficulty about travelling expenses may be got over, and the Cheltenham case to show how voters' rates may be paid without bribery being committed; and I might cite the Westminster and Wigan cases — and how instructive is the whole Westminster case — in order to prove that almost any amount of bribery might be committed by associations calling themselves Working Men's Associations, and what not, to the funds of which candidates handsomely subscribe, without endangering the candidate's seat. But, Sir, I think that I have said enough to show that these decisions, taken in connection with the declaration of Mr. Justice Keogh, that—

"No matter how the clouds of suspicion might thicken round the head of the sitting Member, he was not at liberty to act upon suspicion;"

and the declaration of Mr. Justice Blackburn at Taunton, when he compared the decisions of an Election Judge upon the cardinal point of agency, to what Selden said of decisions in equity in his time—

> "That equity necessarily is as uncertain as the length of the Chancellor's foot, because a Chancellor's conscience was as variable as his foot—"

I say that, coupling these decisions with these declarations, I have said enough to show that your whole system of penal enactment with regard to these offences is little better than a solemn farce. But, Sir, do not let it be imagined, from the tone of these remarks, that I censure the Judges for the manner in which they have administered the law. I do nothing of the kind. The essential and insuperable difficulty in administering the law with regard to these offences is this—If you construe the law literally you will commit all manner of injustice—if you construe it loosely you will admit all manner of evasion. Your 200 years conflict with corruption has made your adversary a perfect master of fence. You have taxed all your ingenuity to get at him; he has taxed all his to foil you. The science of defence has once more beaten the science of attack; the shield has shivered the projectiles. It is only when he is clumsy or reckless that you can reach the real briber; but you have made your law so strong that you can reach the innocent man any day. And it is a principle of our whole law that it is better for ten guilty men to escape than for one innocent man to suffer. Can we wonder, then, that a law should break down, which, from the very nature of things, must strike ten innocent men in order that it may reach one guilty one? And if it strikes at all, it strikes after the offence. But the merit of my measure is, that it will arrest the motive which leads to crime. When it is no longer worth while to commit bribery, bribery will not be committed: when intimidation is sure to defeat its own ends, there will be an end of intimidation. The latter proposition no one will dispute; but a few still cling to the belief that there will be bribery under the Ballot. Yet if the evidence proves one thing more clearly than another it proves this—that people will not go on paying for that which they can never know that they receive. But it has been suggested that bribery under the Ballot will be contingent, and that the briber will say to the voter—"I will give you so much if I am returned." And conclusive was the reply which the town clerk of Windsor made to the suggestion—

> "If such a promise were made," he was asked, "it would have to be made systematically, would it not, so as to be of any use?"—"Yes," he replied, "it must be an organized system of corruption." "Do you think you would find a person," he was asked again, "of a sufficiently responsible position, and known to the voters, upon whose promise the voters would rely, if he went round and made a systematic promise of that kind?"—"No," he replied, "there is the weakness of the whole proposition. If a man is to take a guarantee from anybody, he likes to know who the guarantor is. If a man is a man of respectability, and a man of character, and a man of wealth, he will not enter into such a transaction, and if he is not a man of that kind, the voter will not take his promise."

But, Sir, we have something better than theory to appeal to, when we assert the efficacy of the Ballot. A vast experience of its operation is at our command. Witness after witness of the highest character from the Australian Colonies appeared before the Committee. In all that is important their testimony is unanimous, and the points which it establishes are these—That the Australian Ballot proposed by this Bill is a simple, easy, and expeditious mode of taking the poll; that while riot and disorder prevailed at Australian elections before its introduction, since its introduction they have been conducted with perfect order; that whereas intimidation, bribery, and treating prevailed to a greater or less extent, intimidation has absolutely ceased, and bribery and treating, where they existed, have been reduced to a minimum; that although in one colony an ingenious attempt, known as the Tasmanian dodge, was made to render bribery possible by breaking the secresy of the Ballot so as to enable the bribed man to prove his vote to the briber, this attempt was discovered, the authors of it punished, and simple precautions suggested, which must render all such attempts for the future abortive; that although the introduction of the Ballot was keenly contested in Australia, where it was opposed and advocated upon the same grounds as those upon which it is opposed and advocated here, yet that now it has been embraced by almost the entire population, and that the beneficial results of its adoption are so signal that the proposition to return to open voting would be scouted on all sides. Sir, I hold in my hand references to the evidence which would establish the whole of these propositions beyond the power of cavil; but I think that I shall consult the wishes of the House by refraining from this tedious proof, and waiting to see whether any opponent of the Ballot will have the courage to dispute any one of them. But, Sir, perhaps it may be said, as was said in the Committee, that granting all this, yet the political circumstances of the colonial population differ so entirely from our own that it is impossible to argue from the success of the Ballot in that country its success in this. Sir, I maintain that in all which is essential to the analogy the populations correspond. If it could be shown that there are no political parties in Australia, no party organization, no questions which lay hold of the public mind, nothing to struggle for and nothing to resist, why perhaps it might be argued that their political condition was not analogous to ours; but when it can be shown that government in Australia is government by party—that politics run high there, that elections are warmly contested, that great questions divide the mind of the country precisely as they divide it here—indeed the very same questions—questions of education and religion, questions of free trade and protection, questions affecting the tenure of land—and when, in addition, it can be shown, as was shown by my hon. Friend the Member for Cambridge, that "the colonists took out with them the British Constitution as it was when they left, with all its usages and customs," that, in fact, they were penetrated through and through by our traditions and inoculated with all our electoral vices, how can it be maintained, with any show of truth, that there exist in the political character and condition of the two populations radical differences which must deprive the argument based upon analogy of all its force? But, Sir, it is not only to the experience of men who speak our language, obey our laws, and inherit our passions that we may turn for illustrations of the triumphant efficacy of the Ballot. The desire of the strong to oppress and control the weak, the inclination to permit sordid considerations to outweigh all others, obtain in lesser or greater intensity throughout the whole family of man. Wherever free government has been set up, it has had to contend against these ruling vices of mankind. And what has been its invariable defence against them? The experience of the whole of civilized Europe proves that without the Ballot there can be no freedom. And do not let me be told that we want no Continental freedom and no Continental institutions here. The Ballot is no mere product of Continental Liberalism. It is an old English institution. It was in operation in this country more than three centuries ago. Subsequently it was by the Ballot that the great trading companies—the refuge of liberty in their time—defied the despotism of the Stuarts; and it was by a Stuart, the most despotic of his dynasty, that the Ballot, as a great English institution, was suppressed. Nor need we be told that the political condition of the Continent does not recal our own. For if the same remedy be found efficacious against the same vices under most dissimilar circumstances and every possible condition of men, the presumption is overwhelming that this remedy will be found efficacious in the case of any particular nation in which it may be applied. What, then, is the experience of the Continent? If we turn to Greece, we find a venal, turbulent, and semi-civilized people, going about armed to the teeth, and with none of that self-restraint which is the slow growth of hereditary civilization; but taking an intense interest in politics. We find this venal people conducting its elections with purity, this turbulent people conducting them without turbulence—

> "If the election which I witnessed," said Mr. Arthur Arnold, "had been conducted on the English system, I have no question of a doubt that there would have been bloodshed in every street."

Passing over into Italy, we encounter a distinct population—indeed, as we travel from one end of the Peninsula to the other, we encounter several distinct populations—populations which differ as much as the nations of two continents—and yet, under the Ballot, their elections present one uniform spectacle of order, purity, and freedom, canvassing everywhere discouraged, intimidation absolutely unknown, the priest silenced, the revolutionist disarmed. Even in France we have no cause to be ashamed of the working of the Ballot. Imperfect though the French Ballot may be, it has been found complete enough to baffle one of the most powerful despotisms which the world has ever known. It is the Ballot which is raising the French nation out of the political degradation in which they have been plunged. Even in the rural districts it is now more than a match for the prefect and the priest.

> "If you apply beforehand," said my hon. Friend the Member for Chelsea, in the course of his valuable evidence, "to the authorities of a French village, they will tell you of any particular man, that he will vote for the Emperor—that is to say, for the Government candidate; and yet you find that in the rural districts, on the last occasion, the Opposition candidates polled nearly one-third of the constituencies."

Well, Sir, this is the kind of evidence which the Committee took with regard to Continental elections under the Ballot. It is monotonous, and, therefore, I shall not trouble the House with more of it; but it is monotonous because, go where you will, there is only one tale to tell. For with all Australia and America and civilized Europe to go to, the opponents of the Ballot could not find a single witness who had anything comfortable to tell them. No; I am wrong. They found one witness who was quite ready to blaspheme the institutions of his great country. I remember that he entered the Committee-room with the air of a melancholy exile—this representative of social conditions which the hand of God has blotted out of his sight. For what community does the House suppose was selected by the opponents of the Ballot to express the type and model of American institutions? Why, the State of South Carolina under slavery. And this witness was called to prove that in a State in which he admitted there was no registration of voters, there was personation, and, under a Ballot so defective that bribed men were sent to the poll in charge of persons who watched them deposit the bribed ticket in the ballot box—there was bribery. Of course there was bribery; of course there was personation; of course there was intimidation; of course there was every known electoral crime, for it was the misfortune of this gentleman to represent before the Committee a state of society, one of the most depraved in the civilized world. And yet even this hostile witness had a kind word for the Ballot—

> "The elections have been usually very orderly in South Carolina. I know of no disturbance."

And when he was asked this question—

> "Supposing that a voter wished to keep his vote secret, how could those who bribe him know whether he voted in accordance with his promise or not?" he replied—"They would not bribe him unless they were very certain how he was going to vote."

And when, referring to cases of intimidation, I asked him—

> "How employers knew how their men voted?" he answered—"By sending them to the poll under the charge of persons who see them deposit their vote. A ticket is placed in their hands, and they are watched until their vote is deposited in the box."

What inference, then, can be drawn from such a Ballot as this, against the kind of Ballot proposed by this Bill? But I admit that there is bribery even in some of the Northern States of America, although it extends only over a limited area. There is bribery in New York, in Pennsylvania, and at Boston. Now, why is this? Because the American Ballot, although perhaps complete enough to meet any ordinary exigency, is not complete enough to ensure purity among a population saturated with the corrupt ideas which they bring with them from Europe. In the few American constituencies which are corrupt, the voting tickets are purposely made distinct in colour and device, in order that the briber may watch the bribed vote given. Thus the very instances in which the Ballot fails, afford the strongest possible illustration of the certainty with which a close Ballot must hamper, cripple, and defeat the briber. But, Sir, in conclusion, it may be said that, great and manifest as are the advantages to be derived from the adoption of the Ballot, there are concomitant disadvantages which are greater still. For example, I may be told that the teaching of the Ballot is bad. Has the teaching of the Ballot in Australia been bad? "The effect of the Ballot," says my hon. Friend the Member for Cambridge, in his evidence, "has been that the notion of coercing people and bribing people has died out of the country absolutely." The Ballot, in fact, teaches, by removing the patron and the purchaser of votes, that the vote is no longer to be considered an article of merchandise or of favour. It teaches the voter to discard the slavish notion that he cannot be trusted to vote honestly, unless the eye of the public, which is often a mean, domineering, malignant eye, is fixed upon him. How do you make a schoolboy a liar? By setting spies upon his conduct, and teaching him that there is no reliance to be placed upon his honour. How do you make a servant a rogue? By telling him that you dare not trust him. How do you make the voter a scoundrelly politician? By telling him, when he is about to vote, that he is to think, not simply of what is just or right, but of what so-and-so, or so-and-so may say of him. I wish to get rid of this low and shabby morality, which makes a man amenable, not to the higher and better part of himself, but to that false and variable criterion —the opinion of his fellow-men. By substituting this criterion for that of conscience, you rob human conduct of its noblest springs, and you strike at the very root of independent thought. You would do this, even if your motives were only of the highest and purest kind. But when experience proves that men avail themselves of the power which open voting gives them, not to check and blame the voter when he votes against his conscience, but to force his conscience, to bring every corrupt and sinister motive to bear upon the vote, thinking nothing of the conscience, and everything of the vote, surely to cling to open voting, in the name of purity and virtue, is about as black a piece of hypocrisy as the heart, which is deceitful above all things, can cherish or assume. Let us clear ourselves from the taint, or even the breath of such a suspicion as this; and by adopting to-day the principle of this measure, let us declare, that when we gave the electoral privilege to many thousands of our fellow-countrymen, we gave it, not in mistrust, but in confidence; not in mockery, but in candour.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Leatham.*)

THE MARQUESS OF HARTINGTON: I think it will be for the convenience of the House that I should state at once the course which the Government propose to take upon this question. I cannot conceal the fact that the course taken by the hon. Member for Huddersfield (Mr. Leatham) has, in my opinion, placed not only the Government, but the House, in a position of some difficulty. Hon. Members are aware that at the commencement of last Session a recommendation was made in the Speech from the Throne that a Committee should be appointed to consider the whole subject of our modes of conducting Parliamentary and municipal elections, with the view to provide, if possible, securities for their purity and freedom. That course recommended itself to the Government, because it appeared evident that during the progress of the last General Election a very great change had come over the public mind with regard to this question of the Ballot, and with regard to other questions also connected with the mode in which elections are conducted. The Ballot, which had hitherto been advocated by only a small portion of the more advanced Liberals on this side of the House, seemed after the election to have recommended itself to a large majority sitting on these Benches—and not only to them, but to a very considerable number of those who sit on the Benches opposite. Many hon. Members, who still entertained the dislike which they had always felt to a system of secresy as applied to voting, and who thought that a public duty ought to be publicly discharged, nevertheless felt after the last General Election that the present mode of conducting elections was accompanied by so many and such great abuses that they were willing, if no other remedy could be devised, and if the Ballot could be shown to supply a sufficient remedy, to abandon their cherished opinions and to agree to this mode of voting. There were, I may add, several other points connected with the mode of conducting elections which excited considerable attention. Election expenses were found, in spite of all that had been done to restrain them, at the last General Election, to be in excess of anything that had previously been known; scenes of riot and disorder frequently accompanied both the public nomination and the declaration of the poll; the rioting which occurred on the polling day very often, it would seem, having its origin in the disturbances by which the nomination was accompanied. The result was that a very general opinion was expressed by a large section of the public to th eeffect that it would be a great advantage if the system of public nomination and the declaration of the poll were suppressed. The inquiries which have been made into the corrupt practices which have of late attended Parliamentary elections also show that in many instances these elections had been preceded by very great abuses and corruption at the municipal elections. In the opinion, indeed, of many hon. Members it was impossible adequately to deal with the subject of corruption at the former elections without putting some check on the abuses which prevailed at the latter. For these reasons the Government thought the proper course to pursue was to advise the House to institute an inquiry, not so much for the purpose of ascertaining facts, which were already very well known, as for the purpose of establishing them in a more tangible form and inviting competent witnesses to express their opinions as to the remedies which should be applied to the abuses to which I have adverted. A Committee was accordingly appointed in the early part of last Session, which spent the whole of the Session in receiving evidence on the various points to which the inquiry was directed. In my opinion, taking into account the magnitude of the subject, and the great variety of evidence which was laid before them, the time which that Committee occupied in the examination of witnesses cannot be regarded as unduly long. The Committee, as the House is aware, was reappointed at the commencement of the present Session solely for the purpose of considering its Report, and after several sittings that Report was agreed to only yesterday. If, I may add, the time which we occupied in examining witnesses was not unduly long, the same remark may, with at least equal justice, be applied to the time taken up in the preparation of the Report. A little further consideration of that Report would not, perhaps, have been misplaced; for, however desirable it might be that it should have been ready to be laid on the table of the House before the second reading of the Bill under our notice came on, it would, I cannot help thinking, have been more satisfactory to many hon. Members who are even ardent supporters of the Bill if some further time had been devoted to the preparation of that Report. I feel satisfiied that when hon. Members come to read the passages in the Report which were moved and carried by the hon. Member for Huddersfield (Mr. Leatham) —when they find that, notwithstanding a paragraph which sets forth fully the various objections to the Ballot, those objections are in his Motion not commented upon, denied, or explained away, although he admitted there was the greatest force in those objections—[Mr. LEATHAM: Some force]—I feel satisfied, I say, that when hon. Members, even those who are advocates of the Ballot, become aware of those facts, they will be surprised that some more time was not occupied by the Committee in considering more fully those objections; and they will see, I fancy, some reason to doubt whether the cause which they have so much at heart may not have lost more by the inadequate time devoted to the preparation of the Report than it will gain by having the Motion for the second reading of this Bill made to-day. Under these circumstances, I am, it appears to me, justified in saying that the House and the Government are placed by this Motion in a position of some difficulty. It has become the duty of the Government, I may add, to consider what course they should adopt with reference to this Motion. They certainly do not feel that the introduction of this Bill has relieved them from the responsibility which they undertook when last Session they recommended the appointment of the Committee, and they will seize the very earliest opportunity to consider the recommendations of that Committee, not only in reference to this question of the Ballot, but to all the other subjects included in the Report. As, however, the hon. Member for Huddersfield has thought it necessary to persevere with the Motion for the second reading of his Bill at the earliest possible moment, the Government feel that they would be placing themselves in a false position with the House if they were to meet that Motion by a negative. We are not prepared to negative the principle of the Ballot. On the contrary, I have no hesitation in saying—though I have not, of course, had an opportunity of consulting all my Colleagues on the matter since the Report was agreed to — that personally I entirely and cordially concur in that paragraph in the Report which recommends the adoption of the Ballot. It would, therefore, place the Government in a false position, and be contrary to their opinions, if we were to refuse to support the second reading of this Bill. But in doing so we can give the hon. Member our support only on the condition that he will consent to postpone the further progress of the measure, so as to enable the Government to consider the recommendations contained in the Report of the Committee, and, if necessary, to prepare and introduce a measure on the subject themselves. I may observe that some of the questions referred to in the Report, with regard to which there does not appear to have been any difference of opinion in the Committee, have already been under the consideration of the Government. It will, I think, be satisfactory to the House to learn that previous to the lamented illness of my right hon. Friend the President of the Board of Trade, he and I, in conjunction with the Law Officers of the Crown, had been in consultation on the subject of some of the recommendations of the Committee. If, therefore, the state of Public Business should show that there was any probability that a complete measure on this subject could be carried in the course of the present Session, I do not see any reason whatsoever why the Government should not deal, not only with the question of the Ballot, but with all the other subjects referred to in the Report. Therefore seeing, as I have said, the Government do not feel the least alarmed at the responsibility of the recommendations they made last Session, we reserve to ourselves perfect freedom in the matter; and the hon. Member for Huddersfield must not suppose that he will receive the support of the Government at any subsequent stage of his Bill should they decide on introducing a measure on the subject themselves. It is, then, only upon the conditions I have stated that we can give the second reading our support.

Mr. GATHORNE HARDY: Although I also was a Member of this Committee I shall not enter into the question of the inadequacy of time which has been devoted to the preparation of the Report, as suggested by the noble Marquess. There is no doubt that a pressure was brought to bear upon the Committee in order to induce them to bring the consideration of their Report to a close in reference to the Motion for the second reading of this Bill to-day. I simply wish it to be clearly understood that in assenting to the adoption of the course proposed by the Government we on this side of the House must not be understood as giving in our adhesion to the principle contained in the Bill under discussion. The Government ask for time for consideration. We do not object to their having that time, or to the adjournment of the debate, until either they bring in their measure dealing with the whole question or the hon. Member for Huddersfield is set free from the conditions which the noble Marquess wishes to impose on him, when the discussion can be taken on the Motion for going into Committee on his Bill. We do not desire to interfere with the discretion of the Government as to the course they think it right to pursue; but then we reserve to ourselves every right we should have had in opposition to the second reading.

Mr. LIDDELL said, the noble Marquess had made frequent allusions to the Report of this Select Committee, and had stated that the course of the Government would be guided to a great extent by its recommendations. The Report, therefore, was a document of the greatest importance; but no Member of the House, excepting those who served on the Committee, had yet seen it; therefore at present the House was groping entirely in the dark. He hoped, therefore, he might be allowed to offer a few remarks upon the general question. The hon. Member for Huddersfield (Mr. Leatham) had asked, in that courageous style which belonged to him, whether anyone would be bold enough to challenge the propositions which he had advanced in the course of his speech. Now he (Mr. Liddell) would venture to be so presumptuous, because he entertained a profound conviction that the policy of secret voting which the hon. Member invited the House to adopt would lead to nothing less than a social revolution. To him it appeared that to take secret voting as the basis of our Parliamentary system was a mode of proceeding detrimental and antagonistic to the whole principle of representative government. What was the basis on which our representation rested? Knowledge—knowledge of the feelings and opinions, it might be even of the prejudices, of those who were represented. Were those feelings and opinions to be concealed? If so, how could the representative act in accordance with them? Moreover, it had often been said before, and said by hon. Gentlemen opposite, that a vote was a trust, the exercise of which ought to be protected by law, and one of the great faults found with Parliament was, that it had not long ago extended that protection to the voters in the exercise of their trust. But how, he should like to know, could that trust be properly discharged, unless the public were able to become acquainted with the way in which it was exercised? A trust was essentially a thing which ought to be openly performed. The franchise was also spoken of as a right; but if it was a right, why not trust to the ordinary protection which the exercise of every right was entitled to receive from the laws of the land? The hon. Member for Huddersfield referred in a very amusing way to a floating body at elections, who were not exactly on one side or the other, but who bided their time that they might be led by a golden chain; and it was true that such corruption but too generally prevailed. But did the House think that secret voting would cure this corruption? He believed that we should only be adding hypocrisy to corruption, and as corruption worked in the dark hypocrisy would only enable it to work with greater success. If the voter was enabled to discharge his duty in secret, why should not his representative in Parliament, in like manner, be enabled to exercise his functions in secret? He hoped it would never come to that; but that appeared to be the logical conclusion to which secret voting would lead. Then they were told, as another argument in favour of the Ballot, that candidates would no longer pay for the votes which they were not sure they would receive. But he would remind the House that much the same argument was used for an increase in the number of voters. It was said that if the numbers of the constituencies were greatly increased it would not be worth the while of candidates to bribe them. Yet no one knew better than the hon. Gentleman himself how much the large constituencies had been bribed, and what was the effect of increasing the constituencies. He could see no reason for believing that, because votes were to be given in secret, people would not be found to use corrupt means to obtain seats in Parliament. So long as there was a class wealthy enough and determined enough to make their way into the House by means of their money, means would be found by which they could effect their purpose. Then the hon. Gentleman referred to the example of France. Now, it was only necessary to refer to the opinions of the Constitutional party in that country—which all rejoiced to see had again attained its proper position in that country, and which they hoped it would never lose —let them ask the Constitutional party in France what had been the main support of despotism there for the last twenty years, and they would answer, the principle of secret voting. For himself, he objected to the Ballot as a secret mode of administering a public trust. It was a system of secresy and cowardice, which, if it were agreed to in the case of the voting, would permeate and pervade the whole political system. He believed that would be the result; and it was because he dreaded that result, because he looked upon it as a reversal of the constitutional policy of this country, that at this first stage in the process he would offer it all the opposition in his power.

MR. OSBORNE: It so happens, Sir, that the last time I had the honour of appearing in this Assembly I seconded a clause proposed to be inserted in the Reform Bill of the late Government, to the effect that the Ballot should be introduced into the new constituencies. This was in 1867. That Amendment was moved by the untiring and able advocate of the Ballot, the late Mr. Berkeley; and if anything could have soothed him in his declining health, it would have been the knowledge that the cause he had advocated so long and so ably has fallen into the hands, and that his mantle has descended upon the shoulders, of the hon. Member for Huddersfield, who, I think, for the way in which he has brought the question before the House, whether as one of logic or of fact, deserves the thanks of this Assembly. I can well understand the argument which has been so succinctly put forward by the hon. Member for South Northumberland (Mr. Liddell). His election experience has been cast in a happy land; he has known nothing of the ups and downs of the popular voice. I can well understand his coming to this House and taking what he calls a logical position. I, unfortunately, have had some experience of General Elections in more lively latitudes; and I must say, with my experience of the last General Election in a midland borough of England, and with my more recent experience of an election at a seaport town in Ireland, in spite of logic, and in spite of all these stock arguments which I have heard so constantly repeated on this Ballot question, unless you introduce secret voting the whole system is a farce. What is the theory of freedom of election? The theory is that a man should give his vote freely and without fear. That state of things may exist in South Northumberland and some other jocund places; but what is the case in the large towns of this country, and in Ireland generally? Why, Sir, the practice is at direct issue with the theory. If a man votes freely, he is treated indifferently; but large numbers vote at the peril of injury to limb or destruction of property. I am not surprised—I have been accustomed to hear the argument for so many years that I am not surprised to hear it said that secret voting is contrary to the Constitution. I want to know the authority for this assertion. How is secret voting contrary to the Constitution? As far as I have been able to look into the history of the Constitution, the first of the Acts about voting at elections was passed in the reign of Edward I. That first enactment says that no man shall be brought to vote by force of arms or menace. The next Act—7 *Henry* IV.—uses the language that is now used, and says that the elector shall vote "freely and indifferently." Does the elector vote freely and indifferently at the present time? I ask my hon. Friend the Member for South Northumberland whether he is not aware—not, of course, in his own polling district—but in the neighbouring counties and boroughs electors vote neither freely nor indifferently, and that they frequently vote at peril to life or limb. It is all very well to talk, as the hon. Gentleman has talked, of the franchise being a "trust;" I thought that fallacy had been long exploded. I want to know how it is a trust? A trust can be enforced; what precautions does the law take for this trust being enforced? Why, the "trust" can only be enforced by intimidation and compulsion on the part of non-electors; and yet the hon. Member calls it a trust. We have heard about voting being a "trust," a "right," and a "privilege;" we all know very well that in many instances a vote is looked upon not as any of these, but as a perquisite? I am not going to take the bribery view of this question; I have my doubts whether the Ballot would stop corruption; still I would try every chance, and that among the rest, even though I doubted whether it would have immediate effect. To stop corruption we must look to the diffusion of a higher moral tone and to the beneficial effect of an Education Bill such as we have been discussing. I do not look upon this Bill as an important means of stopping corruption. We have to deal with things as they are; we have an enormous uneducated population, who have got these trusts, rights, privileges, or perquisites; and we have got an enormous body behind them, who say—"Unless men vote as we like, we will not permit them to have security." Well, it is said we want information, and the Postmaster General says—"Don't hurry us too much, and in a little time we will bring in a Bill." That has been the language often used by all Governments. They say—"Hurry no man's cattle." But I say nothing will be done without we hurry them. So far from placing them in a difficult position, I think the hon. Member for Huddersfield ought to be commended for spurring them on—I hope he will spur them on—I hope he will not be put off with excuses till the end of the Session, but that he will urge this Bill forward. I do not need to read the evidence taken by the Committee upstairs; it is but a *réchauffé* of old evidence. There have been many Committees of this House sitting on the subject. Why should I go further back than to the Committee by which M. de Tocqueville was examined. And what was his evidence? The most powerful evidence that could be given—that of a statesman and a scholar, and a man who had great knowledge of many countries. He looked upon the Ballot as a Protectionist and as a Conservative measure—a protection against the tyranny of the majority—which it is. In these times I dread as much the tyranny of the majority as I deprecate the tyranny of the rich minority. M. de Tocqueville said that the only protection against the tyranny of a purely democratic form of government—to which we are advancing every day—was the security of the Ballot. It is very well for the hon. Member for South

Northumberland to talk of giving your vote in ease and confidence. It appears that there are now numbers of Conservative working-men—a new class of voters that has cropped up lately—how do you mean to protect them at an election? They are a minority, I believe—they need the protection of the Ballot—but do you suppose these excellent Conservative working-men will thank you for telling them the logic is against them? They may have logical minds, but they have breakable heads. It is no great satisfaction to them to go and vote for a candidate and then have their heads broken by a tyrannous majority of their fellow-workmen. I say, then, secret voting is essentially a protection against a tyrannical majority, and it is essentially a protection for working-men against the tyranny of their fellow-workmen. You must remember that corruption is a wide-spread disease among all classes, and that intimidation is not confined to the rich and powerful. Every man likes to be powerful, and to control his own society. I flatter no class, but I dread tyranny as much from the mob as I do from the wealthy; and I would give protection to both by the system of secret voting. An interesting correspondence was published the other day between the Secretary of the Ballot Society and the Sardinian Minister, as to the effect of secret voting in Sardinia; and the Sardinian Minister's reply was that it had the effect of controlling the tyranny of the priests and of the rich aristocracy, and that there would have been no independent element at all in the Italian Parliament if it had not been for the Ballot. The hon. Gentleman goes upon the old tack, and says—and we have often heard the assertion when a man has been run very hard in argument—that the Ballot is un-English. [Mr. LIDDELL: I never used the phrase.] Oh, no; he did not—but he spoke of cowardice. Now, *à propos* of cowardice, I had sent me this morning a description of an election, and it was not in Ireland. It alludes to a right hon. Gentleman whom I do not see in his place; but who, in 1857, appeared in this House, not exactly in sackcloth and ashes, but with his head bound up and most fearfully cut. Here is the description—

> "Mr. Lowe and others, with their faces bleeding and their clothes torn, rushed into the gatehouse, and with great difficulty the gate was shut. There were exclamations of 'Take his life.' . . . Mr. Lowe, prostrate on the ground, bleeding, was taken into the house, and, with great difficulty, he was saved. The rural police, as usual, followed in the track of the rioters."

This is Kidderminster, and not Ireland; this is virtuous England, where the logic of facts remains supreme; and here, in 1857, you have a Gentleman rescued alive with the greatest difficulty; not by the rural police, for nobody ever was rescued by the police—I have found that. What would have been the effect of secret voting there? It so happened on that occasion Mr. Lowe's opponent used language exactly similar to that which the hon. Member for South Northumberland has used to-day. He told the non-electors the vote was a trust, and they must look after the electors; and, of course, they did look after the electors, and they not only broke Mr. Lowe's head, but they broke the head of every elector they could who had voted for him. This was in the year 1857; we have been waiting all the time since; and we are told now that the Government find themselves placed in a difficult position by this Motion. As far as I can, I shall place them in a more difficult position. Is it not notorious that there was no business in the courts of the revising barristers because of the apathy of the voters themselves? The shopkeeper knows—and this is the mildest part of it—that there is exclusive dealing, and his idea is he would rather not have a vote. The consequence is, our revising barristers have little business; the men who are put upon the register are put there by the paid agents of the registration societies, and the voter seldom appears himself. And so this free and independent elector—this noble animal whom you pat on the back—is afraid, and shuffles out of his duty, because, if he records his vote openly, his trade or his person may suffer. The franchise a trust! If it is, it is one of those *damnosa hæreditas* everyone would wish to get rid of. I have seen something of all this in England myself. I have a little acquaintance with the town of Nottingham; I left it because it was a little too lively for me; but I am not prepared to say I have benefited by the change. I have shown you what occurred in England—"the land of the free." Now look at Ireland. If ever there was a country where open voting and freedom of election is not only difficult, but impossible, it is Ireland. Look what happens in Ireland. When an election is about to take place the telegraph is set to work, an enormous police force is gathered, a large military force is brought up, there is military occupation of the town or county. In spite of all this, the voters vote at the peril of their lives. When your committee accompany you to the hustings they are armed to the teeth. Every man knows there are elections in Ireland; but neither the hon. Member for South Northumberland, nor the Member for happy Radnor (the Marquess of Hartington), nor the hon. Member for Huddersfield knows what freedom of election is in Ireland. I do not want to amplify and give you my experiences—which certainly have not been of the most agreeable kind; but I can tell you this—you cannot get people to vote in Ireland—so great is the intimidation they will not go to the poll. Look at the recent election at Tipperary, represented by a distinguished Queen's Counsel, whom I have not heard yet, and whom I do not see here. I had great difficulty in seeing him on the day of election. He was in the same boat with me—two popular Members obliged to fly for their lives. I wish the hon. Member was here. I want to hear from him his experiences; but look at what happened to him. Tipperary contains 10,000 electors; and how many voted do you suppose? Under 4,000. And why did the 6,000 stop away from the poll? Because they were afraid to come, for they knew it would be at the peril of their lives. Would they have been so if you had had the Ballot? You expect these men to make a sacrifice which no man has a right to call upon another to make. In Ireland you compel these men to have votes. You have what is called a self-acting registration; so they are compelled to have votes; and most of them look upon a vote as one of the greatest of curses. You have no right to compel these men to have votes unless you give them protection; without that, the thing becomes something more serious than a farce. Go to an Irish town after an election, and it looks as if it had been besieged by an army; windows are broken; heads are broken; men you never hear of are maimed for life; and there are some who are never heard of afterwards. The place is more like a battlefield than the scene of a constitutional election. Talk of logic and cowardice; I do not profess to be braver than other men—perhaps I am not so brave as the hon. Member for South Northumberland—

> "He jests at scars who never felt a wound;"

but this I can say—it does require considerable nerve to address your constituency out of a window after sunset. I can tell you this—if you wish to supersede the revolver, you must have the ballot box. You have a state of things now, especially in Ireland, such as existed only in the Middle Ages. Your freedom of election is a farce. There is no freedom, and every man who can buy arms goes to the poll armed. A mob stands by; it is heated afresh by every vote that is given as if the vote fed a flame, and each man knows that he votes at the risk of his life. I have seen houses broken into, men who were pledged to vote one way taken out of their beds and obliged to vote the other way; and, after the election, when all was known, the houses have been externally demolished, as the inmates would have been if the houses could have been entered. Yet I am told it is cowardice to object to open voting. I say, rather than vote under such circumstances, I would prefer not to vote at all. You are expecting all these Irish farmers in the counties, who live in thatched houses which it is easy to set a light to, to come forward like free and independent electors and go to the polling-booth to vote, with the chance of returning on a shutter. If you wish to supersede vote by bullet, you must have vote by Ballot. I have my doubts of the Government bringing in a Bill; the noble Lord has got too much to do to send the telegrams right. I hope, if there be a Bill, it will not only deal with the Ballot, but that it will do away with that servile necessity—the duty of canvassing. I hope, too, we shall do away with that exasperating formality called the nomination. I hope we shall do away with that incentive to riot—the declaration of the poll. This I am sure of, if you wish to preserve freedom of election, in Ireland especially, and in many large towns in England, there ought to be no difficulty and no delay in the Government introducing a Bill to deal with these questions.

MR. NEWDEGATE said, he rose to protect the freedom of the House. There could be no freedom if the House allowed its forms, which were the safeguards of its freedom, to be interfered with. And one of those forms was that they should have full information on a subject before they proceeded to decide upon it. Now, in what position was the House that day? He came down to the House believing that the Bill would not be discussed because the Report of the Committee on Parliamentary and Municipal Elections had not been distributed to Members. He learned accidentally that the subject was under discussion, and, hurrying to the Vote Office, obtained as a great favour a proof of the Report, which extended over five pages. He asked whether it would be becoming on the part of the House, after having appointed a Select Committee which sat during the whole of last Session, and had been re-appointed during the present Session—after leaving it to the discretion of that Committee whether they would have further evidence or not—after having authorized that Committee to report upon the principle of the Bill, which was now nominally raised on the second reading — that principle being whether it was expedient that the present system of open voting should be continued, or whether some secret mode of voting should be adopted — after all this had been done, and before the Report of the Committee could be placed in the hands of hon. Members—to sanction this attempt to obtain a decision of the House upon the subject. The evidence to which reference had been made was before the House, but the proceedings, to which reference had also been made, were not before hon. Members. They knew nothing as to what had been proposed or rejected by the Committee. He had consulted with hon. Members with whom he had acted in former times, and they agreed with him that it would be contrary to all precedent, and that it would not be fair to hon. Members or creditable to the House to proceed to affirm the principle of a Bill when they were in ignorance of the information of which they had proclaimed the want. The usages of the House had also been recently contravened in respect of another Bill as to which an understanding was come to that there should be no division on the second reading. This was unfair to the constituencies. Large bodies of men could only form opinions on simple issues. And if they were not informed on the broad principles of a measure they could form no opinion on details. They had therefore a right to claim information on the conduct of their representatives with respect to the broad issues of legislation which they could understand. He had endeavoured to show the importance which attached to divisions, for he was afraid the House was becoming careless on the subject. This was the most marked instance which he had seen of an attempt to take the House at a disadvantage, and that, too, by the Chairman of the Committee—

MR. LEATHAM said, that he was not the Chairman, but only a simple member.

MR. NEWDEGATE: Then, by a member of the Committee, who had moved the second reading of the Bill before the Report of that Committee was in the hands of hon. Members. Having consulted some hon. Gentlemen who were well acquainted with the business and the forms of the House, he felt it his duty to move the adjournment of the debate.

MR. R. TORRENS said, that whatever might be said about the Report of the Committee, the evidence, which alone was relied on by the hon. Member for Huddersfield, was in the hands of hon. Members, who had had a full opportunity of examining its details. Considering that the subject had been discussed for so many years, both in and out of the House, it was astonishing that the hon. Member opposite should plead ignorance of the subject, or that any further information could be required. In addition to all this, the subject had been abundantly illustrated of late by the Reports of the Commissioners appointed to inquire into the existence of corrupt practices in several constituencies. He would join the hon. Member for Waterford (Mr. Osborne) in asking the hon. Member for Huddersfield, while he acceded to the proposition of the Government, to take care that he did not disappoint public expectation by allowing the matter to be put off until it was too late in the Session to deal with it. The necessity for the Ballot had been rendered more urgent by the Reform Bill, which extended the suffrage and enfranchised men who were perhaps more amenable to corruption and intimidation than those who had previously possessed it. The Reform Bill should be crowned by the Ballot, and that measure, which the Government had omitted from their programme, was of much greater importance than many measures they had taken in hand. In another country he had resisted the introduction of the Ballot; but after witnessing its operation he had to surrender his prejudices, because he found that it did not produce any of the mischievous consequences predicted from it, and because it cured the evils which it was intended to cure. He hoped, also, that the measure to be introduced by the Government would contain a provision putting an end to the present mode of nominating candidates, and hustings speeches, which gave occasion for riot, drunkenness, and disorder, and would also abolish the "show of hands," which was simply a farce, and altogether inconsistent with the principle of the Ballot.

SIR GEORGE GREY: Having been a member of this Committee, and having regularly attended its sittings, both last Session while it was hearing evidence, and during the present Session while it was deliberating upon its Report, I am anxious to say a few words before the debate closes. My noble Friend (the Marquess of Hartington), who has addressed the House in a double capacity, as Chairman of the Committee, as well as a Member of the Government, rather complained of the course taken by the hon. Member for Huddersfield (Mr. Leatham) in the Committee yesterday and in the House to-day. Now, as to the desire of the hon. Member that the Committee should get leave yesterday to sit beyond the usual hour that its Report might be laid on the table of the House last night, I do not think he is any more responsible for the course taken by the Committee than myself or any other Member. He undoubtedly expressed an earnest desire that the Report should be agreed to yesterday, in order that it might be referred to in the debate to-day; and though I should have preferred that the Committee should have had more time—not for the adoption of our recommendation respecting the Ballot, for that was come to after full consideration — but for stating our reasons, and for meeting some of the objections to the Ballot more fully than we have done, we desired to accede to the wishes of the hon. Member, and there seemed a general agreement in the Committee that we should conclude our labours yesterday. But my noble Friend (the Marquess of Hartington) also objected to the course taken by the hon. Member in now proposing the second reading of this Bill, and I entirely concur in that opinion. I think the hon. Member for Huddersfield would have acted much more wisely and fairly by the House if he had postponed the second reading of the Bill until the Report of the Committee—which technically, no doubt, is in the possession of the House—was actually in the hands of Members, and they had had a full opportunity of considering the Report, which contains a fair summary of the evidence taken by the Committee, and the reasons for the recommendations made in it. I think it would have been better to postpone the discussion until the Report was fully in possession of the House and of the Government. When this debate began to-day I believe that no Member of the Government, excepting the Chairman of the Committee, had had an opportunity of reading this Report. That is a fact of some importance; and we must remember that last year this Committee was moved for by the Government on the express understanding that their opinion would be reserved until they had had an opportunity of considering the recommendations of the Committee. Under these circumstances, it is rather hard to call upon the Government to-day to express a decided opinion as to the course they will take with regard to this Bill, though they have not yet had an opportunity of reading the Report. I should be disposed, therefore, to support the Motion of the hon. Member for North Warwickshire were it not for the statement made by the noble Lord (the Marquess of Hartington), and acquiesced in by the right hon. Gentleman (Mr. G. Hardy), on the part of those with whom he acts, that no opposition should be offered to the second reading provided that the hon. Member for Huddersfield agreed to the suggestion that the Bill should then stand over for a sufficient time to enable the Government to weigh the recommendations of the Committee, and determine whether they would bring in a Bill not limited to the Ballot alone, but including several other subjects which were embraced in the Report of the Committee. If the hon. Gentleman agrees to that suggestion, and a full opportunity is given both to the House and to the Government to consider the Report, I shall not feel disposed to offer any opposition to that course. But if the hon. Member refuses to do that, and presses his Bill, irrespective of the understanding which existed last Session, I think nothing can be fairer than the course proposed by the hon. Member opposite (Mr. Newdegate) for the adjournment of the debate. If, however, I am to vote on the principle of the Bill, which embodies the chief recommendation of the Committee, I cannot record my vote against it. Perhaps the House will allow me to add a few words respecting that principle. I said last year that I should go into the Committee with a desire to pay the utmost attention to the evidence, divesting myself of previous prejudices against what is called the system of secret voting. I have repeatedly said that I attached less importance to the Ballot than many other Members, being of opinion that both its advantages and its dangers were greatly exaggerated. But when we came to weigh the evidence which the Committee received, it was impossible to shut one's eyes to the fact that most ample proof had been offered—if, indeed, such proof were necessary in addition to the evidence before in our possession—that there exists a great deal of bribery, corruption, and treating both in our municipal and Parliamentary elections, and that there exists also a great deal of intimidation. I entirely agree with my hon. Friend the Member for Waterford (Mr. Osborne), whom we are all glad to see again among us and in full vigour, notwithstanding all the dangers he has undergone, that that intimidation is not confined to any particular class nor to any particular party. There is intimidation by mobs as well as intimidation by landlords; and in one form or other intimidation, no doubt, does exist to a great extent both in county and in borough elections in this country; while in Ireland the greatest degree of violence characterizes many of the elections. Much disorder is also occasioned at elections arising from the publication of the poll from hour to hour and the consequent excitement. Admitting these evils—and no one denies them, though there may be a difference of opinion as to the extent to which they prevail—we had then to look for a remedy; and here I found no one remedy suggested which to my mind afforded the slightest probability of a check to those evils short of the Ballot. In saying this, I am far from implying my belief that the Ballot will be an effectual cure for those evils. It will tend to mitigate them no doubt, and has some advantages of its own; and it was with that view that I concurred in the general resolution of the Committee. My opinion is this—I do not want to talk about cowardice or un-English conduct—but I think that whether you adopt the Ballot or not, the great majority of electors, by acting on committees, by appearing at public meetings, and in other ways, will declare their opinions openly. These are men who do not require the Ballot. But there is another class of more dependent men whose interests conflict with their political opinions, and to those men no doubt the Ballot will afford a protection which I do not think that any other system will afford. The evidence given to the Committee as to the working of the Ballot in Australia shows that it has effectually prevented there the scenes of riot and disorder which disgrace many of our own elections. It will have a tendency to check bribery by the uncertainty which it will produce as to the fulfilment of the bargain, and will especially check what has been called afternoon bribery—a practice by which a body of corrupt electors hold back till the last hour of the poll, and sell their votes at rates proportioned to the state of the poll and the closeness of the contest. As the state of the poll will not be known if the votes are taken by Ballot this practice will be checked; though, on the other hand, if the change is made we may, perhaps, find, especially in small constituencies, that the door is opened to wholesale bribery. Seeing, however, that no other remedy was suggested for the evils that undoubtedly exist, and that the Ballot has certain advantages counterbalancing the objections which are fairly stated in the Report of the Committee, I concurred in the general recommendation with which the Committee conclude their Report, and, therefore, I certainly could not vote against the Bill. I hope, however, that the hon. Member for Huddersfield will relieve the House from the necessity of coming to a vote by accepting the terms offered to him by my noble Friend, and acquiesced in by the right hon. Gentleman (Mr. G. Hardy).

Sir STAFFORD NORTHCOTE said, he had no intention to detain the House by any discussion upon the principle or merits of the Bill, but would confine himself to the question immediately before the House — whether the debate should be now adjourned. He understood that the noble Marquess opposite and his right hon. Friend (Mr. G. Hardy) had expressed an opinion that, considering that the Committee had so recently reported, and that the Government might wish to introduce a measure, the House should not pledge itself by a vote upon this Bill until time had been given to the Government to introduce their own measure. In that opinion he entirely concurred. It was only courteous to the Government to give them an opportunity of stating their views; and it was also important that the House should be able to examine the Report of the Committee before deciding on the principle of the Bill. It was obvious that the question of the Ballot must not be taken singly, but in connection with other changes which might be proposed in our electoral system. There seemed to be an agreement that it would be convenient to take the second reading *pro formâ*, with a view to its postponement, no pledge meanwhile being given, one way or the other, until the Government should be able to introduce their measure. But the position was changed by the Motion of the hon. Gentleman (Mr. Newdegate), who objected, and, in his opinion, with great force, to take the second reading of the Bill under the present circumstances. If, therefore, the hon. Member for North Warwickshire continued to be of opinion that the House ought not to take that course, it would be difficult for him to abstain from voting with the hon. Gentleman.

Mr. RAIKES said, that as no Member of the Committee had spoken on that side of the House, he wished to make a few remarks in reply to the hon. Member for Huddersfield as to the proceedings of the Committee. He desired, in the first place, to take exception to the statement which had been quoted from the evidence of Mr. George Latham, who said that seven-eighths or nine-tenths of the farmers in Cheshire were Dissenters. The witness, no doubt, made that statement fully believing it to be true; but he was a strong partizan, and a statement more remote from the truth could not really be made. Again, with regard to North Wales, of which he knew something, there was really no extensive terrorism practised there. He was aware that individual cases occurred there, as elsewhere, in which authority was unduly urged; but he would remind the House that up to the last General Election seven out of the twelve Members for North Wales were Liberals, and that fact, and the fact that since then the number was increased to ten, told in favour of the independence of the electors in North Wales. That showed that there was not much terrorism in the district. A great mass of evidence was given before the Committee last year; but the bulk of that evidence only went in support of what were already notorious facts. Little, however, was given that was new or valuable except that supplied by the hon. Baronet the Member for Chelsea (Sir Charles Dilke), who had made the question of the Ballot a particular study, and visited a great many foreign countries to see how it operated. The information he gave the Committee would be found very instructive both by opponents and supporters of the Ballot. One result of his evidence was that neither in France nor America the Ballot was secret, and the advocates of the Ballot, who used always to appeal triumphantly to its existence in America, were now forced to take their stand upon the entirely different system of Ballot at work in our Australian Colonies. In France great pressure was brought to bear upon the electors in the rural districts in order to induce them to support the Imperial candidate, and the way in which a man voted was generally known to the authorities. As to the Ballot in the Australian Colonies, we should take into consideration the results which had followed from its adoption, and he would ask the House whether they were prepared to say that the present form of government and of Parliamentary institutions in Australia was such an improvement upon our system that we ought to adopt the Ballot in order to arrive at similar results. Of its operation in Australia the hon. Member for Cambridge (Mr. R. Torrens) had spoken from personal knowledge. But the hon. Member began there by consistently opposing it, and he believed the first result of the Ballot was to relegate the hon. Member to private life.

MR. R. TORRENS denied this statement. He had retired in order to prepare a measure connected with the transfer of land.

MR. RAIKES said, that at any rate the hon. Gentleman's retirement synchronized with the establishment of the system to which he had been opposed. It was generally admitted that four great evils existed under the present electoral system in England—bribery, treating, intimidation, and undue influence. These were, no doubt, serious evils; but the hon. Gentleman the Member for Waterford said he was not at all sure that the Ballot would diminish bribery; and though the hon. Member for Huddersfield said it was improbable that candidates would bribe men whose votes could not be known, we must remember that while the Ballot would diminish the probability of a vote becoming known, it would also diminish the probability that bribery would be detected. The Ballot, indeed, would probably enlarge the area of bribery, because more persons would bribe when it became less likely that they would be found out. The Committee did not think that the Ballot would have much effect upon treating, though it would have some effect in preventing undue influence. You would always have personal canvassing in this country in some form or other. You might prevent the "servile necessity" on the part of candidates and their agents of going round and entering promises in their books; but you would not prevent other persons interested in a candidate from canvassing on his behalf. As long as that existed there must be undue pressure, which would be brought to bear upon persons on whose word or on whose honesty the canvassers thought they could rely, so that the only effect of the Ballot in this respect would be to protect persons whose honesty was distrusted. The real point at issue was whether a vote was a right or a privilege; and so long as the franchise was confined to a limited class and manhood suffrage did not exist, he thought it must be viewed as a privilege. The Ballot was not a party question, for while in the counties it might have a Liberal influence, in the boroughs it would have a Conservative influence. But the House must look at it as a broad question of public duty. If the Ballot merely provided the means of enabling men to tell a lie with impunity he should vote against it; and, although in some countries secret voting might be necessary to secure free election, the time had not yet arrived for recognizing the arguments in favour of the Ballot, as far as this country was concerned, as overpowering those which told against it.

MR. HIBBERT said, that the proposal made by the noble Lord (the Marquess of Hartington) and the right hon. Gentleman opposite (Mr. G. Hardy) was a fair subject for consideration by the hon. Member for Huddersfield; but if he assented to it, allowing the Government a reasonable time to consider the Report and prepare their measures, they on their part ought to promise that if they were unwilling to bring in a Bill of their own they would give ample opportunities for the consideration of the Bill before the House. He hoped that the Motion for adjournment would be withdrawn, and that the hon. Member for Huddersfield would be able to meet the views of the Government.

MR. LEATHAM said, he should certainly divide the House against the Motion for adjournment, and should consider that the division was taken upon the main principle of the Bill. ["No, no!"] That would be the opinion in the country; for people in the country did not draw the fine distinctions which were drawn in that House. As to the suggestion of the noble Marquess, he was anxious, as far as possible, to meet the views of the Government, and allow them time for considering the Report of the Committee; and he was willing, therefore, to take the second reading *pro formâ*, and hold over the Bill for Committee on an early day after Easter, upon the understanding that the Government would then give facilities for bringing on the Bill. If they did not give him these facilities he should be obliged to press forward the Bill upon an earlier day than that which he had named.

COLONEL WILSON PATTEN protested against the observation of the hon. Gentleman, that the division on the question of the adjournment of the debate would be accepted as a division on the main question. He regretted extremely that the noble Marquess, on the part of the Government, had yielded to the supporters of this Bill. It was altogether contrary to all practice that, after the Government had appointed a Committee on any subject, and had announced their intention of bringing in a Bill in reference to the matter, a member of that Committee should introduce a measure in reference to it before the Government had had an opportunity of bringing in their own Bill. For his part, he protested against its being supposed that he gave any vote on the present occasion except on the Motion for the adjournment of the debate.

THE MARQUESS OF HARTINGTON said, that the right hon. Gentleman had somewhat mistaken what had occurred; for the course he had suggested had met the concurrence of the right hon. Gentleman the Member for Oxford University. The offer he made to the hon. Member for Huddersfield, as he was not empowered, in the absence of his Colleagues, to offer the hon. Member a day, was that he should wait until he saw whether the Government intended to deal with the question or not. If the Government brought in a Bill, then the hon. Member could not expect facilities to be given him for a rival Bill; and in the event of the Government not dealing with the subject—though he did not expect that that would be the case—then it might be possible for the hon. Member himself to name a day after Easter, when he might make progress with his measure. He understood that the right hon. Member for the University of Oxford had distinctly reserved on his own part and on the part of his friends the power of objecting to the principle of the Bill on the Motion for going into Committee upon it; but the Government did not desire to claim any such freedom of reservation, for, in assenting to the second reading of this Bill, they did assent to its principle.

COLONEL SYKES pointed out that the Ballot existed already in London, under the sanction of an Act of Parliament. The delegates from the Board of Works to the common Board of the City were elected by Ballot under the Act which established the Board of Works.

MR. HERMON protested against the observation made by the hon. Member for Huddersfield, as to the division which was about to be taken being a division on the main question. He should only give his vote on the question which was immediately before the House, and that was simply the question of adjournment.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Newdegate.*)

The House *divided*:—Ayes 116; Noes 226: Majority 110.

Original Question again proposed.

COLONEL BARTTELOT said, he had been a Member of the House for many years, and he had never known such a course to be pursued by a Government as that they had just witnessed. For himself, he must confess that he thought it was the duty of the Government, commanding such a majority as they did, to support the Committee which they themselves had been mainly instrumental in appointing. Instead of doing that, however, they came down to the House with what he must call a shifty policy—a policy that was neither open nor straightforward, and which was calculated to take the House by surprise. He maintained that hon. Members ought to have had an opportunity of considering the terms of the Committee's Report before being compelled to affirm the principle of a Bill, the principle of which many of them disliked. It was quite right that the question should be discussed openly and fairly in the House; but what they were asked to do would not fulfil that object. They had come down that day expecting that there would be no division upon the Bill; but they now found that the hon. Member for Huddersfield, backed up by the Government, was pressing them to a division against the constitutional forms of the House. He, for one, begged most emphatically to protest against such a procedure; and in order to give effect to his protest, and allow hon. Gentlemen an opportunity of considering what the Report of the Committee was, he would move the adjournment of the House.

MR. FLOYER seconded the Motion. He did not profess to be very conversant with the forms of the House, but having been a Member for many years, he knew sufficient of them to know that it was a new and strange procedure to read a Bill a second time *pro formâ*. It was a very common thing for such a thing to be done when the Committee stage was reached, because very material alterations were sometimes proposed by the authors of measures; and it was found more convenient to have these embodied before proceeding in detail to the consideration of the clauses. But the case was very different in the present instance. The House was asked to agree to the second reading of a Bill, the principle of which was everything. Once that principle was affirmed the details were of no practical importance. He held that they were there neither to affirm nor deny the principle of the Bill. The Report of the Committee, though laid before the House, was not yet in the hands of Members, and until they had an opportunity of considering it, it was unreasonable to call upon them to take action one way or the other. He would ask, was it, or was it not, desirable that they should see the Report of the Committee? If it was not desirable, why was the Committee appointed at all? But if it were desirable, then such a step as the Government were now taking was unjustifiable. It was a most lame and impotent conclusion to the labours of the Committee to ask the House to affirm the principle of a Bill based upon a Report which they had not seen. He protested against such a novel course of proceeding. The freedom of their debates as a representative Assembly depended in a large measure upon the forms of the House. There were a large number of new Members who as yet had no experience in the forms of the House, and these forms were of the highest importance in securing the minority against the tyranny of the majority; and he therefore protested against the affirmation of a principle by the adoption of a course which was neither more nor less than a subterfuge.

Motion made, and Question put, "That this House do now adjourn."—(*Colonel Barttelot.*)

MR. CANDLISH denied that there was any subterfuge whatever in the proceeding that was adopted. What those on the Government side of the House intended by reading the Bill *pro formâ* was to affirm the principle of the Ballot. Government had given its adherence to that principle, and those who sat behind them were quite right in supporting the Government in that affirmation.

VISCOUNT SANDON said, the hon. Gentleman who had just sat down had entirely misrepresented the position of the Opposition. They neither declared whether the Government was right or wrong—whether the Ballot was or was not desirable. All they maintained was, that as a Committee had been appointed on the subject last year—a Committee comprising some of the most eminent men on both sides of the House, which Committee had drawn up a Report that was not yet in the hands of Members—it was not respectful either to that Committee or to the House to affirm the principle it had recommended until hon. Gentlemen had an opportunity of perusing the Report. If such a course were to be systematically adopted, and the deliberate conclusions of the Committee were to be forestalled by the votes of a dominant majority, Committees would be brought into contempt, and nobody would act upon them. He appealed to the Government not to use their majority in support of so unconstitutional and dangerous a proceeding. They were asked to say Aye or No upon the adoption of a grave constitutional change—the substitution of secret for open voting: a Committee of the House had been appointed to consider and report upon that very subject: the Report was just laid upon the table, but was not yet in the hands of Members—yet they were asked to vote upon this very subject. He, for one, most earnestly protested against such a proceeding, and he thought they were perfectly justified, under such circumstances, in using the forms of the House to protect them from the tyranny of the majority.

MR. COLLINS said, that if he had voted in the last division he should have voted with the majority, because he did not think it was the duty of private Members to wait until the Government had made up their minds on the subject. As for the Report of the Select Committee, he must say his belief was, that the object of the appointment of that Committee was to give a number of Members, Whigs and others, a decent excuse for "ratting" on the question of the Ballot. They would turn round to their constituents and say that they had altered their opinions because of the Report of the Committee. The hon. Member for Huddersfield, however, was not in that predicament. He had always been a consistent advocate of the Ballot, and he was now quite right in pressing forward his Bill. The House knew very well that the present Motion was coming on to-day, and, therefore, he should vote against the adjournment; but on the main question he should vote against the Ballot.

Mr. NEWDEGATE said, that it having been announced that the Report of the Select Committee would be in the hands of Members before this question was debated, many hon. Gentlemen had been confident that the hon. Member for Huddersfield would not proceed with his Bill that day. With regard to the forms of the House, hon. Members would come to the conclusion, if they considered the matter well, that those forms were founded in good sense, and had for their object to preserve inviolate the functions of the representatives, and to prevent the House from being at any time surprised into the adoption of the principle of a Bill by reading it a second time *pro formâ*.

Question put.

The House *divided*:—Ayes 110; Noes 220: Majority 110.

Original Question again proposed.

Lord CLAUD JOHN HAMILTON said, he must complain of the manner in which the House had been treated with reference to a measure of such great importance, and which if carried, would for good or for evil, greatly affect the future of the people of this country. It was usual when a measure of so much importance was to be discussed that the Prime Minister should show that he regarded it as worthy of his consideration. It was also not unimportant that the Leader of the Opposition should be present. He looked to the Treasury Bench when this Bill was attempted to be brought forward for a second reading, and where was the Prime Minister? Where was the Home Secretary? To whom were the chief functions of the Government delegated? To the Postmaster General. Where now was the Postmaster General? Where was he in the last division? To whom had the authority of the Government now been delegated? To the First Commissioner of Works; who in his turn had been succeeded by the Vice President of the Council. He thought that such treatment on the part of the Government was derogatory to the dignity of the House. The hon. Member for Huddersfield (Mr. Leatham), in introducing the Bill, stated, in answer to an appeal from the Government as to the course he meant to pursue, that he should have no objection to acquiesce in the proposal of his noble Friend, and if the House would allow the Bill to be read a first time he would postpone the second reading for a month, till the Report of the Committee had been presented. Presented—to whom? Why, surely to the Members of the House. The Report of the Committee had been laid on the Table, and the majority of those on his side entered the House without knowing even that. It was a miserable subterfuge now for the hon. Member for Huddersfield to move the second reading of this Bill, on the plea that the Report of the Committee had been laid on the Table. There were some ambitious men in the world, and there were also ambitious families. One member of the family of the hon. Gentleman had taken to himself the credit of passing the Reform Bill, and another member of it desired to have the credit of passing the Ballot. He envied the ambition of the hon. Gentleman, and, in order that they might have the honour of defeating it, he begged to move the adjournment of the debate.

Mr. LEATHAM rose simply to second the Motion of the noble Lord. He was anxious that the "ambitious men" of whom the noble Lord spoke, and who, no doubt, wished to distinguish themselves in the debate, should have the opportunity of speaking on the question. He proposed that the debate be adjourned till Tuesday, the 3rd of May.

Mr. AYRTON begged, in reply to the noble Lord (Lord Claud John Hamilton), to say that it was not usual for the First Minister of the Crown to attend in his place on Wednesday, unless there was some very grave question to be discussed, which rendered it necessary that he should be present. Hon. Gentlemen who were in the House from the commencement of this debate were aware that the discussion had chiefly arisen on the question of adjournment.

Debate *adjourned* till *Tuesday* 3rd May.

ANNUITY TAX (EDINBURGH) BILL.

[BILL 4.]

(*Mr. M'Laren, Mr. Miller, Mr. Crum Ewing.*)

SECOND READING. ADJOURNED DEBATE.

Order for resuming Adjourned Debate on Second Reading [2nd March] read.

MR. M'LAREN said, that the Government having taken this question out of his hands, he had now to move that the Order of the Day for the Adjourned Debate on the Second Reading of his Bill be discharged. At the same time he must say he did not hold himself as at all concurring in the Bill the Government had promised to introduce till he saw it, and he should consider himself at liberty to express any opinion he thought fit when the measure came before the House.

Motion *agreed to.*

Order *discharged:* Bill *withdrawn.*

GAME LAWS (SCOTLAND) BILL.

(*Mr. Loch, Sir Robert Anstruther, Mr. Parker.*)

[BILL 7.] SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE asked the hon. and learned Member for Wick to allow the debate to be adjourned, as the Government were about themselves to bring in a Bill dealing with the same subject.

MR. LOCH said, he had no objection to accede to the request of his right hon. and learned Friend; but he must ask when his learned Friend thought he should be able to lay the Bill relative to the Game Laws on the table, whether it would extend to England as well as Scotland, and whether he would himself bring it in, or whether it would be brought in by the Home Secretary?

MR. KINNAIRD hoped, as there seemed to be some misunderstanding on the subject in the North, there would be no delay in the introduction of the Bill.

THE LORD ADVOCATE could only say that he hoped he should be in a position to lay the Bill relating to the Game Laws (Scotland) on the table before Easter. As to whether the Bill would extend to England, he must refer his hon. and learned Friend to the observations made by his right hon. Friend the Home Secretary at an earlier period of the day.

Second Reading *deferred* till *Wednesday* 30th March.

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 17th March, 1870.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Ecclesiastical Courts (26), *put off;* Income Tax Assessment and Inland Revenue Law Amendment * (37).

Committee—Report—East India (Laws and Regulations) (29).

Report—Naturalization (31-39); Churchwardens Eligibility * (28-35).

ECCLESIASTICAL COURTS BILL.

(*The Earl of Shaftesbury.*)

(NO. 26.) SECOND READING POSTPONED.

Order of the Day for the Second Reading, read.

VISCOUNT HALIFAX rose and said, he wished to make an appeal to the noble Earl (the Earl of Shaftesbury) as to the course which he should take. Last year their Lordships gave their assent to two Bills upon the subject, one introduced by the noble Earl himself, and the other by the Archbishop of Canterbury; and both of them were referred to a Select Committee, over which the most rev. Prelate presided, and of which he (Viscount Halifax) had the honour to be a member. At present, unfortunately, the most rev. Prelate was not able to be present and take part in the discussion of measures of this nature. All must deplore the cause of the most rev. Prelate's absence; but it was hoped that after Easter he would be able to be present and take as much part as heretofore in the discussion of matters affecting the Church. He appealed to the noble Earl whether it was not due to the character and station of the most rev. Prelate that there should be afforded to him the opportunity of taking part in the debate in the Committee upon this Bill, and he suggested, therefore, to his noble Friend that he should postpone the Committee of the Bill until after Easter, so that they might have the advice and assistance of the most rev. Prelate in the matter.

THE MARQUESS OF SALISBURY suggested that the second reading should be postponed, and the grounds he had for this were two. In the first place, there was a very general impression in this House that this would be the course taken, and this seemed to have been derived from something that the noble

Earl himself had said or done. What was specially important was that he knew that his noble Friend who led upon that side of the House (the Duke of Richmond) was under the same impression, and certainly he would have been present if he had known that the second reading was to be proceeded with. Further, it was of the greatest importance that they should have the presence of the Archbishop of Canterbury when the measure was discussed, for it was a most important Bill—indeed, he might say one of a highly penal character. It proposed to draw very much tighter than had ever been drawn before the chains both of opinion and practice in reference to the clergy of the Church of England. Whether that were a wise or a foolish step was not a question which he desired then to discuss; but certainly no such step should be taken without the gravest deliberation, and without having the assistance of those whose official position enabled them to give a competent opinion upon the matter. For himself he should very much have preferred that a Bill of this magnitude should have been introduced by the Government; but certainly the most rev. Prelate should be present when it was discussed.

The Bishop of LONDON joined in the appeal for postponement. This was the time of year when members of the Episcopal Bench were least able to attend the House, and, in fact, only two of his right rev. Brethren were now present.

The Bishop of WINCHESTER said, he had understood from the noble and learned Lord on the Woolsack that the Bill would be postponed. He gave the greatest credit to the noble Earl (the Earl of Shaftesbury) for having grappled with this question, though, as the noble Earl knew, he did not agree with him on many points; but it was only fair that the second reading should be considered at a time when members of the Episcopal Bench could attend with a frequency which at present was quite impossible.

The LORD CHANCELLOR replied that, when asked by the right rev. Prelate (the Bishop of Winchester) whether the second reading would be postponed till after Easter, told him that this would probably be the case. He derived that impression from the noble Earl; but it now appeared that he was mistaken, and that it was the Committee which the noble Earl agreed to postpone.

Lord WESTBURY thought that as the Bill embodied that of the Archbishop of Canterbury, it should be postponed till after Easter, when there would be a larger attendance of Bishops.

The Earl of SHAFTESBURY said, he was unable to resist the appeal made to him; but it was rather hard that such an impression should have gone forth in his name without the least shadow of authority from him for it. He had never directly or indirectly said that he would postpone the second reading, though he had mentioned to the noble and learned Lord upon the Woolsack, that he should be prepared to defer the Committee until after Easter. Last year, as their Lordships would remember, he brought in a Bill upon the subject, and it was read a second time; and the most rev. Prelate proposed another Bill, which was also read a second time. Both these Bills were referred to a Select Committee, and in that Committee the most rev. Prelate occupied the Chair. The Committee, after a little deliberation, determined that his (the Earl of Shaftesbury's) Bill, having precedence, should be the material upon which they would work, and that Bill was therefore taken by the Committee; but the Amendments which they made in it were very unimportant. He did not think, with the exception of verbal ones, that there were three alterations, and they did not affect the principle of the Bill. When, however, the measure came down from the Committee it was too late to proceed with it; but he determined to go on with it this year, and that he might have the support of the Members of the Committee, he introduced the Bill precisely in that form in which it was settled by them. He felt that it would be perfectly impossible, in the face of the appeal that had been made to him, and when there was so small a number of right rev. Prelates upon the ecclesiastical Bench, to push the Bill to a second reading, because he would have little or no support if he were to resist. Therefore, he must agree to postpone the second reading until after Easter. But, at the same time, he was bound to say that this Bill was proposed to remedy some of the greatest abuses that had ever existed in a court of justice, and he believed that neither the House, the Bishops, nor the Church would gain anything whatever in the estimation of the country from the delay that had now been interposed in the way of the accepting the principle of this most important Bill.

Second Reading *put off* 'till *after the Recess at Easter.*

NATURALIZATION BILL.—(Nos. 18-31.)

(*The Lord Chancellor.*)

REPORT.

Amendments *reported* (according to Order).

The LORD CHANCELLOR said, he was prepared to accept the Amendment of his noble and learned Friend (Lord Westbury), and that, in deference to the views of many of their Lordships as expressed on a former occasion, he now proposed to omit Clause 8 (Power to cancel certificates of naturalization or re-admission to British nationality). It would, therefore, be unnecessary to consider an Amendment which had been given notice of in that clause.

Clause *struck out.*

Then, on the Motion of Lord Westbury, the following clause was *added* after Clause 3:—

> "Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but who also at the time of his birth became under the law of any foreign state a subject of such state, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making and registration of such declaration of alienage such person shall cease to be a British subject."

Lord HOUGHTON expressed an opinion that the good working of the Bill rested with ourselves, and not on the co-operation of any foreign Power. He thought the less action taken in the matter by the Foreign Office the better.

Further Amendments made; Bill to be read 3ª *To-morrow;* and to be *printed* as amended. (No. 39.)

EAST INDIA (LAWS AND REGULATIONS) BILL—(No. 29.)

(*The Duke of Argyll.*)

COMMITTEE.

House in Committee (according to Order).

Viscount HALIFAX suggested that the powers proposed to be given to the Governor General in Council and the Councils of Madras and Bombay should be confined to the non-Regulation Provinces.

The Duke of ARGYLL said, the Bill, in giving rather more despotic powers to the Governor General, made no distinction between the Regulation and non-Regulation Provinces. There might in the former be emergencies, such as actual or threatened insurrection, which would call for speedy and despotic powers, and it was, therefore, desirable to give some latitude.

Bill *reported* without Amendment; and to be read 3ª *To-morrow.*

House adjourned at half-past Five o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 17th March, 1870.

MINUTES.]—Supply—*considered in Committee*—Navy Estimates.

Public Bills—*Resolution in Committee*—Pawnbrokers*.

Ordered—*First Reading*—Peace Preservation (Ireland) [75]; Railways (Powers and Construction) * [76]; Gas and Water Facilities * [77]; Mortgage Debenture Act (1865) Amendment * [78]; Pawnbrokers * [79].

Second Reading—Feudal and Burgage Tenures Abolition (Scotland) * [48]; Consolidated Fund (£9,564,191 7*s.* 2*d.*)*.

Referred to Select Committee—Registration of Voters * [53].

Committee—Report—Dublin Collector-General of Rates Franchise * [61].

SCOTLAND—PROCURATORS FISCAL.

QUESTION.

Mr. FORDYCE said, he wished to ask the Lord Advocate, If it is the intention of Government, during the present Session, to carry out the recommendations of the Select Committee of 1868, on the County and Burgh Police systems of Scotland, by relieving Counties from their heavy payments to Procurators Fiscal, and remunerating these officials entirely by fixed salaries, as already is the case in Edinburgh and Lanarkshire?

The LORD ADVOCATE, in reply, said, he thought his hon. Friend had misapprehended the recommendation of the Select Committee, which was in these terms—

> "The Committee recommend that the system which prevails in some counties of remunerating Procurators Fiscal partly by Fees be discontinued, and that these Officers be remunerated entirely by fixed salary."

Procurators Fiscal were paid for certain portions of their work by the Exchequer and for the residue by the counties. The Exchequer had for a long while paid by salary, and many counties did the same. Other counties continued to pay by fees. It was in their power, with the approbation of the sheriffs, to change the mode of payment when they pleased. Any interference on the part of the Government was, therefore, quite unnecessary.

NAVY—PROMOTION.—QUESTION.

Mr. EASTWICK said, he would beg to ask the First Lord of the Admiralty, Whether, as it was the former rule of the service that a Post Captain went on to be Rear-Admiral by seniority without any service at sea being required, it is the intention that under Clause 6, Section 2, of the new Retirement scheme, Post Captains will, on retirement, be allowed, under similar circumstances, to rise to the said rank of Rear-Admiral ; also, as in Clause 7, Section 8, service is reckoned only from the rank of Acting Sub-Lieutenant, on what principle service as a midshipman, which extends over six years, is ignored, while for seamen service is reckoned from the age of eighteen, and in the Army from the rank of Cornet and Ensign ; and, also with reference to the periods of service below or over the limit entitling to retired pay, and according to which periods additions or deductions of £10 and upwards are made to the retired pay, whether a period of six months would not be more equitably assigned than that of a full year as the time according to which the said additions or deductions should be made, inasmuch as cases will arise, as Clause 1, Section 8, at present stands, in which officers will lose nearly two years' service, when the full year of over service and under service have both been nearly reached ?

Mr. CHILDERS: In reply, Sir, to the first Question of the hon. Member, I have to say that he does not appear to be aware that under the present system captains, although never employed, rise to be full admirals on the retired list. Under the new Order in Council they will only be entitled to be retired rear-admirals if they have served their time ; all present captains having the option of remaining under the present system. I consider this to be one of the best features of the new regulations, and I certainly do not propose to alter it. In reply to the second Question, I have to say that the new regulations extend the service which counts for retirement. At present the first two years of a sub-lieutenant's time do not count. A lad may be a midshipman at fourteen, and as he may be a sub-lieutenant at nineteen, and in future, in certain cases, at eighteen, I see no reason for any further extension. Time counts in the other branches from even later age. The last Question I fear I do not understand. But no deduction is to be made from the rate of retired pay unless the service is deficient by a full year, so that there is no break of two years such as the Question implies. I see no reason for introducing for the first time half-year calculations.

THE "CITY OF BOSTON."—QUESTION.

Sir JOHN PAKINGTON: Sir, before addressing to the Secretary of the Board of Trade the Question which stands in my name on the Paper, I wish, in consequence of communications which I received this morning from Liverpool, to preface that Question by another, of which I have given the hon. Gentleman private notice. I wish to ask, whether all casualties at sea are reported to the Board of Trade ; and, whether the hon. Gentleman is aware that since the 1st of January last nine steamships have been lost, seven of which foundered at sea with great loss of life, and that most of these casualties are attributed to the want of proper bulkheads and of a proper check upon overloading ? If my hon. Friend is not prepared at once to answer this Question, which he will see relates to a subject of great importance, I shall be happy to furnish him with the names of the ships and other particulars which have been supplied to me. I wish now to ask the Question which stands on the Paper—namely, Whether any confirmation has been received of a statement in a letter in a recent number of "The Times," that when the "City of Boston" left Halifax "she was deeply laden with wheat in bags, being eighteen or twenty inches deeper than the insurance allows," thus showing the too great probability that the ship, with all on board her, have been lost from the same cause of deep lading that led to the loss of the "London;" whether any action has been taken by the Board of Trade on this subject in consequence of the Report presented to them by the Institute of Naval Architects, as the result of a protracted investigation by scientific men, after the loss of the "London," of this question of overlading; and, whether it is the intention of Her Majesty's Government to take any steps, either by legislation or by the appointment of a Commission of Inquiry, for the protection of Her Majesty's subjects from this great source of danger in packet ships?

MR. SHAW-LEFEVRE said, in reply to that part of the Question of the right hon. Baronet having reference to the *City of Boston,* he had to inform the House that the Board of Trade had received no confirmation of the statement contained in an anonymous letter, to the effect that the *City of Boston* was overladen when she left Halifax. He thought it but fair to the owners of that vessel to state that he had received from Mr. Inman the most emphatic contradiction of this statement. He said that his agent at Halifax had reported to him that the actual draught of water of the vessel when she left that port was twenty-one feet seven inches, which was from seven to nine inches less than on any of her previous voyages. He also enclosed a statement of the cargo actually on board. This had been submitted to the professional officers at the Board of Trade, who reported that it was quite impossible that with a cargo of such a nature and with the great accommodation which, in a vessel like the *City of Boston,* was set apart for passengers, she could have been overladen, or that her loss, if she were unfortunately lost, could be due to that cause. Mr. Inman, in his letter, added—

> "We are uninsured for more than £50,000 on the vessel, her stores, and freight, under which circumstances we are the last persons likely to overload our vessels. It is not for us to appear before the public to buoy up hopes which may be disappointed, but we believe the vessel to be afloat."

With reference to the other Question, he must ask the right hon. Baronet to let him postpone his answer until he was furnished, as promised, with the names of the vessels to which the right hon. Gentleman alluded. He was unable to say whether nine vessels had foundered at sea since the beginning of the year from want of proper bulkheads. The Report of the Society of Naval Architects, to which the right hon. Gentleman alluded, was presented four years ago; but successive Governments had thought it inexpedient to adopt its recommendations, and in the new Merchant Shipping Bill it was not proposed to legislate in that direction.

SIR JOHN PAKINGTON said, his hon. Friend had not answered his Question whether the Government proposed to remove the source of danger to which he had alluded either by legislation or a Royal Commission?

MR. SHAW-LEFEVRE said, he had stated already that it was not intended to legislate upon the subject in the new Merchant Shipping Bill, nor did he intend to propose a Royal Commission on the subject.

THE PALACE OF WESTMINSTER.

QUESTION.

MR. W. H. GREGORY said, he wished to ask the First Commissioner of Works, Whether he has intimated his intention of placing in the hands of his own Department all the works of the Palace of Westminster which have hitherto been under the supervision of an architect; and, if so, whether he will inform the House of the name of the gentleman connected with the Office of Works to whom these professional duties are to be entrusted?

MR. AYRTON said, in reply, that the Question of the hon. Member was founded in some misconception. The arrangement to be made at the commencement of the present financial year would be that the Palace of Westminster would be placed in the same manner as the other palaces of Her Majesty in London, under the charge of Mr. Taylor, one of the assistant surveyors, whose office was not well described by the title, because it involved duties of considerable importance. The ordinary works were carried on under his immediate direction and guidance, and whenever any extraordinary works arose, they were executed by those whose peculiar capacity fitted them for the performance. For example, an artist was employed for painting, a sculptor for sculpture, and an architect for architectural work. Under the new system, Mr. Taylor would perform his functions under the supervision of another officer recently established in the Board of Works, and called the Director of Public Works. Her Majesty's Government had selected a gentleman of well-known high position for this office—namely, Mr. Douglas Galton.

CHINA—OUTRAGE ON MISSIONARIES.

QUESTION.

Colonel SYKES said, he wished to ask the Under Secretary of State for Foreign Affairs, in reference to his statement in answer to a Question touching the outrage upon missionaries, English and French, in the city of Ngan-king, in China, Whether the Government approve of the same measure of justice not being meted out by the Viceroy of Nankin to the English as to the French missionaries, the former being expelled from Ngan-king and their mission house pulled down, and the latter allowed a site within the city walls upon which to build a church and mission house; and, whether instructions have been or will be sent to Consuls abroad (particularly in China), to report direct to the Foreign Office the occurrence of outrages upon British subjects, that the Foreign Office may not be officially ignorant of events known to the public?

Mr. OTWAY, in reply, said, when he made the statement on Monday night, to which his hon. and gallant Friend now referred, he stated that no official information had been received relative to the treatment of French missionaries, and nothing had been received from China since then. Therefore he was not in a position to give an opinion on the question as to the treatment which these missionaries were said to have received. He could not accept the statement of his hon. and gallant Friend as authentic. In due time all the Papers would be laid on the table. With regard to the instructions to Consuls, they were instructed to report to the Minister at Pekin, under whose direction they were placed; but they were, at the same time, instructed to send duplicate reports to the Foreign Office.

Colonel SYKES said, his information had been obtained from despatches published in the *North China Daily News*.

Mr. OTWAY: With all respect to the hon. and gallant Gentleman, he could not accept as authoritative the statement which he had taken from a Chinese newspaper. If the hon. and gallant Gentleman desired to call the attention of the House to this subject, he could do so, and then the Government would be prepared to state their views.

IRELAND—THE PRESS.

QUESTION.

Mr. KAVANAGH said, he wished to ask the Chief Secretary for Ireland, Whether his attention has been drawn to a leading article in "The People" paper of Wexford, of March 12, in which, among other expressions of a very similar nature, the following words are used:—

> "If a few bad landlords have been shot, or shot at, perhaps by men maddened by their inhumanity, if a few other crimes of violence have been committed, which it is impossible to classify with 'agrarian outrages,' and which, we may add, are as nothing either in atrocity or in number when compared with the dreadful murders constantly committed in England; we are told forsooth that this constitutes a 'reign of terror,' and that exceptional legislation of a severely coercive nature is just now the one thing needful for Ireland. But these sanguinary champions of the 'rights of property' as they call them, as if Providence ever endued one man or one set of men, with 'the right' to defraud another, seem to forget that, according to the opinion of the whole civilized world, evicting landlords really deserve to be hanged, not shot. Assassinations of any kind, even the assassination of one of these territorial ogres, whose ruthless cruelty seems to exclude them from the pale of civil society, is a terrible crime banned by God and man, and Heaven forbid that we should attempt to extenuate its atrocity. But still we are entitled to ask, if 'the terror' does reign, who are to blame for it? Are the people of Ireland? No, surely, but the men who have shown no mercy to the people. If bad landlords are shot, if the whole country is agitated and disturbed, who should be held responsible for the result;"

and, whether he considers that words such as these directly inciting the peasantry to deeds of violence and bloodshed, should be used with impunity by the Press?

Mr. CHICHESTER FORTESCUE: Sir, it is somewhat dangerous to give an answer upon an isolated passage of the kind read; but, so far as I can understand it from what my hon. Friend has read, I should agree with him that such language ought not to be used with impunity. At all events, the best answer to his Question will be the Bill I am about to introduce.

CANADA—RED RIVER SETTLEMENT.

QUESTION.

Mr. WHALLEY said, he wished to ask the Under Secretary of State for the Colonies, with reference to a statement in the "Standard" newspaper of the 14th instant, copied from the "Toronto Globe," to the following effect:—

> "That a body of Loyal Volunteers at the Red River Settlement organized themselves to resist the insurgents, and sent Mr. Stuart Mulkins to confer with Riel, the rebel leader; that Mr. Mulkins was arrested and imprisoned, and that Mr. Schultz, another Loyal Volunteer, is still kept in solitary confinement, and not allowed to converse with anyone;"

also, as averred by Mr. Mulkins, "that the Roman Catholic clergy are at the bottom of the trouble;" Whether the Government has received any information confirmatory of the foregoing; and, in any case, what steps are taken for the deliverance and protection of the loyal inhabitants of this Settlement?

Mr. MONSELL said, in reply, that it would not be well to express any opinion such as would be involved in a complete answer to this Question while negotiations were going on between the inhabitants of the Red River Territory and the Government of the Dominion of Canada. He was, however, happy to inform the hon. Gentleman that a deputation from the Red River Settlement had already started for Ottawa, and he hoped the negotiations would soon be completed. If the hon. Gentleman would then renew his Question, he would give him all the information in his power. To relieve the hon. Member's mind, however, from some of the misapprehension with which it was evidently possessed, he would inform him that the Canadian Government had induced the Vicar General of Quebec to proceed to the Red River Settlement as one of their Commissioners, and also that the Bishop of St. Boniface heard of these disturbances when attending the Œcumenical Council at Rome; and immediately returned to the Red River Settlement to use his personal influence to restore peace.

ARMY—CANDIDATES FOR THE ROYAL MILITARY ACADEMY.—QUESTION.

Mr. STRUTT said, he would beg to ask the Secretary of State for War, Whether, after the Winter Examination, 1870-71, for admission to the Royal Military Academy, Woolwich, candidates within the specified ages will be permitted, as heretofore, to compete at two or more successive Examinations?

Mr. CARDWELL: Sir, under the new regulations, the number of examinations at which candidates will be permitted to compete is limited to three.

ARMY—CAVALRY COMMISSIONS.

QUESTION.

Sir JOHN PAKINGTON said, he would beg to ask the Secretary of State for War, Whether the answer he lately gave with respect to a Cavalry Officer, of or above the rank of Captain obtaining the regimental price of his Commission if he sells out before the absorption of the eighth Captain in his regiment, will apply also to Officers of the same rank in an Infantry Regiment, or whether a distinction will be drawn in this respect between Captains in the two branches of Her Majesty's Service to the injury of Captains of Infantry?

Mr. CARDWELL: There is no distinction, Sir, between Infantry and Cavalry. The answer I gave on a former occasion may be taken as equally applicable to both.

NAVY—SICKNESS ON BOARD THE "BRITANNIA."—QUESTION.

Sir JOHN HAY said, he would beg to ask the First Lord of the Admiralty, Whether it is true that several cases of smallpox and scarlet fever have occurred on board Her Majesty's Ship "Britannia," among the Naval Cadets; and what precautions have been taken to prevent the spread of the disorders?

Mr. CHILDERS: Sir, in reply to my hon. and gallant Friend, I have to say that it is unfortunately true that several cases both of smallpox and scarlatina, in each instance of the mildest description, have occurred on board the *Britannia* in Dartmouth Harbour, and the Admiralty have taken every possible precaution on the subject at the earliest stages, and I believe in the most satisfactory manner. We have belonging to the Department a small hospital or sick quarters in a very airy situation in the open part of the town. We have also taken a house described as "The Mansion House," with a landing-place sufficiently separated from all other buildings for safety from infection; a second house approached through a walled garden, near the sick quarters; and a third house also near the sick quarters, for convalescents. A fourth house for boys supposed not to have either of these diseases, but unwell, has been taken, in order to remove them out of the sick bay in the ship. We have lately received offers of other houses, Claremont House, Shipley House, and Cromwell House, belonging to Mr. Ridgway, who has placed them at our disposal in the most generous manner. These offers are under consideration. We sent to Dartmouth some days ago Dr. Mackay, the Deputy Inspector General, who has reported that all the arrangements are satisfactory as to position and suitability, and who speaks most highly of the steps taken by the captain and medical officer of the ship. The House may rely on no precautions being omitted, at whatever inconvenience and cost, to prevent the spreading of the infection. At the present moment sixty cadets are in sick quarters, none now seriously ill, there having only been from the first two giving cause for any anxiety. Seven have been taken away by their friends, and others will follow if their friends wish. In reply to the Question of which notice is given me for to-morrow, I may say that we fully considered the expediency of sending cadets to a floating hospital; but that we received unanimous advice that it would be most unwise to do so, or to remove them to the hospital at Plymouth.

ASSESSED RATES ACT.—QUESTION.

Mr. HIBBERT said, he wished to ask the Vice President of the Privy Council, Whether it is not the case that, under the Assessed Rates Act of last Session, a ratepayer may vote in vestry whether the rate is payable by himself, or by the owner?

Mr. W. E. FORSTER, in reply, said, he supposed the Question of the hon. Member had been put with reference to the Education Bill which was now before the House, and he was glad that it had been asked, inasmuch as he would in consequence be enabled to remove a misconception on the subject to which it related. He was informed that by the 7th and 19th sections of the Assessed Rates Act of last Session, the vestry franchise, together with other franchises, were restored to the occupier where rates were paid by the owner. Were that not the case, it would have become necessary to insert a provision in the Education Bill in order to carry out its principle, that the parents of children should have a full and free choice in the election of the school Boards.

NAVY—NAVAL RETIREMENT.

QUESTION.

Sir JOHN HAY said, in the absence of his noble Friend (Lord Henry Lennox), he would beg to ask the First Lord of the Admiralty to lay upon the Table of the House a Return of the names of the Flag Officers and their ages who will be retired under the new scheme, and the names and ages of the Captains who will be promoted to replace them?

Mr. CHILDERS: Sir, it is quite out of my power to state who will be retired under the new Order in Council, because options are given to different ranks of flag officers, and I have no means of knowing how they will exercise their options. I may, however, state that under any circumstances, so far as I am aware, ten flag officers will be at once retired for non-service and four for age, and that if they elect the new regulations, twenty-two more must be retired for age. In the former event, only two captains will be promoted to be rear admirals, and in the latter case seven. If officers elect to retire before the age at which retirement is compulsory, these numbers will be still further increased. I cannot give the names of the captains who will be promoted without knowing how they will exercise the option given them. After the operation is complete I shall have no objection to give every information on the subject.

IRELAND—POLITICAL PRISONERS.

QUESTION.

Mr. MOORE said, he would beg to put one or two Questions to the right hon. Gentleman at the head of the Government, and he trusted that in putting them the House would, as they related to matters of some complication and great public interest, grant him such indulgence as its rules would permit. There were two Motions on the Notice Paper for to-morrow, having reference to the health and general treatment of the prisoners who were now confined for political offences in this country. One of these Motions stood in the name of the hon. Member for Dundalk (Mr. Callan), the other in his own. The Motion of the hon. Member for Dundalk was of a very large and extensive character; but that of which he (Mr. Moore) had given notice touched only on individual cases. It was possible those Motions might give rise to very considerable discussion, and he was aware it was the wish of the House to renew to-morrow the debate on the Education Bill without further interruption. Under these circumstances, it appeared to him that it would greatly facilitate the discharge of Public Business if the right hon. Gentleman could give him such an answer to the inquiry which he was about to address to him as would render it unnecessary to proceed with the Motions to which he referred. It would be in the recollection of the House that various statements with regard to the treatment of the political prisoners had from time to time been made in that House and out of it. Official inquiries had been instituted into those statements, and official Reports had been made on them, of which the accuracy and justice were denied. Of course, he did not mean to express any opinion as to the relative value of these Reports or contradictions. But the Motions which stood on the Paper for to-morrow clearly intimated—in the opinion of those who were to move them, at all events—that the result had not been satisfactory, and that a full and free inquiry into the health and treatment of the political prisoners in this country would be a public advantage. He would, therefore, ask the right hon. Gentleman at the head of the Government, Whether he was prepared to grant such a full and free inquiry on which both sides of the question might be represented, and which would be sufficient to relieve the public mind from all further doubts or suspicions on the subject? There was, however, another question of still greater importance, which he felt it to be his duty to put to the right hon. Gentleman. Rather more than twelve months ago an amnesty was granted to a certain number of political prisoners who were then in confinement. He would make no allusion to the character of that amnesty or its effect. It was a fact that it had been granted; it was a fact that it was partial; and it was a fact that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), under whose Administration very many of the political prisoners had been tried and convicted, had recently stated in that House that an amnesty, if granted at all, should have been complete. It was also a fact, as he had been informed, that General Burke, one of the political prisoners, had recently become insane, and by the Report of the Medical Officer of Mountjoy Prison it appeared that previously four political prisoners, untried, had lost their senses under the infliction of imprisonment. It was also stated, on authority which no one in that House would, he thought, question, that at least one other of the political prisoners was threatened with a similar calamity. He had, therefore, to ask the First Minister of the Crown, Whether it would tend to the credit or the honour of the administration of justice to retain in durance the shattered bodies of unfortunate men whose minds had wandered away from the control of human jurisdiction? ["Order!"] He considered he was strictly within the limits of the rules of the House. The right hon. Gentleman at the head of the Government had received lately a proposition made on behalf of her husband from the wife of one of the political prisoners; and he (Mr. Moore) was bound to say that the right hon. Gentleman had answered her with a chivalrous respect and a courteous forbearance which did him honour, and for which he begged to thank him in her name. It would be unnecessary to say more than to ask the right hon. Gentleman at the head of the Government, Whether, under all the circumstances which he (Mr. Moore) had stated, and many more which he had refrained from stating, the time had not come in which the amnesty of last year might be made complete without endangering the public safety or the ends of public justice?

MR. GLADSTONE: I think, Sir, I shall best consult the convenience of the

House and of the hon. Member who has made these inquiries, if I divide the answer into three parts. In the first place, with respect to the Question as to the condition of the political prisoners, I stated on a former occasion that their allegations of ill-treatment had been categorically denied by the only persons to whom we could refer—namely, the persons in authority who have the charge of the prisoners, and in whose reports it is our duty to place confidence. But the hon. Gentleman has said very truly that the Notice of Motion given by a Member of Parliament for an inquiry, with which other Members of Parliament appear to sympathize, raises a question beyond the mere satisfaction of the minds of the Government, or the trustworthiness of the officers of the prison, and it is our opinion that, under these circumstances, it will be politic and just to allow an inquiry into the truth of these allegations, which shall be of a perfectly impartial character, conducted by impartial persons. Of course, we shall be responsible for the manner in which the inquiry is conducted, and the hands in which it will be placed; but to the principle of that inquiry we think it, under the circumstances of the case, wise and proper to accede. Then, with respect to the health of certain political prisoners, the information supplied to me by my right hon. Friend (Mr. Bruce) does not entirely tally with what has been given to the hon. Member. But thus far we are agreed—that two of the prisoners, as I understand, have passed into a state of unsound mind, and in consequence of that unsoundness of mind they have been released. There is also a third prisoner with regard to whom a question may arise; but as to the fourth mentioned by the hon. Member—

Mr. MOORE: I said there had been four previous cases in Mountjoy Prison reported by the medical officers.

Mr. GLADSTONE: Besides the two prisoners who have been released, there is the case of Richard Burke, who was accessory to the Clerkenwell explosion of 1868. He was afterwards confined in the Chatham Convict Prison, and, up to the 9th of December, 1869, he was reported to be in good health both of mind and body, and also well-behaved in prison. On that day, however, he was reported to be suffering from depression of spirits and loss of appetite, so that his removal to another place was recommended, and, on the 10th of December, he was transferred to the invalid prison at Woking. Shortly after his arrival at Woking, signs of further mental disturbance appeared, and the chief medical officer of the Broadmoor Criminal Lunatic Asylum, Dr. Meyer, has visited him more than once, and has reported that, after careful examination, he has come to the conclusion that Burke is of unsound mind. At the same time, Dr. Meyer reports:—"I am further of opinion that he is not unlikely to recover from his present state of *dementia*." Under these circumstances, it was quite right to relieve him from the ordinary treatment of political prisoners; but I do not think the hon. Member himself will be of opinion that the case ought to be treated as one of permanently unsound mind to the extent of entitling such a person to an absolute release. In our judgment there would be no sufficient warrant for such a step at the present time and under present circumstances. Having disposed of these two points, I have now to answer the third and more general Question put by the hon. Gentleman. He asks whether we think the time has now come when the amnesty which was partially conceded, not by an arbitrary choice, but upon particular grounds of selection, somewhat more than twelve months ago, may be extended to the whole of the political prisoners taken up in Ireland? I am sorry to say that my answer must be most repugnant to my inclination; but, at the same time, most imperatively imposed by duty. I must point to the state of Ireland, where we are engaged in what I hope is, materially and morally, important remedial legislation, but are compelled to interrupt this beneficent and, at all events, well-intended process, by a Motion which will presently be submitted by my right hon. Friend (Mr. Chichester Fortescue) for special powers with a view to the security of life and property in Ireland. I do not think it would be possible for us to announce in this House, or to hold out elsewhere, any hope whatever that it would be consistent with our duty to open the doors of the prison on behalf of those prisoners until we can see a different and a better state of things in Ireland—a better state of things which may be due in part to the legislation of repression we are about to ask for, but which, I hope, will also be due to that which will have a deeper and a more permanent operation—namely, the effect of remedial legislation. To anyone who is in authority in a free country, if he enters into the spirit of the institutions of his country, the whole subject of political punishments is, perhaps, the most painful of all the subjects that come before him; and no persons can so much long for the arrival of a period when it may be possible to give a different answer to the hon. Gentleman as those who are responsible for the detention of these prisoners. But, whatever our sentiments of pain and repugnance, do not let there be any ambiguity as to the nature of the answer that we give. It would be cruel to encourage the friends of these prisoners to cherish any hopes whatever with regard to their release, until we are able to see a state of things in Ireland when Her Majesty's peaceable and well-conducted subjects may be enabled to pursue the ordinary avocations of life with that degree of comfort and confidence which is the best test and criterion of a civilized and a Christian country.

ORDERS OF THE DAY.

Ordered, That the Orders of the Day be postponed till after the Notice of Motion for leave to bring in the Peace Preservation (Ireland) Bill.—(*Mr. Gladstone.*)

PEACE PRESERVATION (IRELAND) BILL.

LEAVE. FIRST READING.

MR. CHICHESTER FORTESCUE: I rise with very deep regret, but without doubt or hesitation, to perform a duty, the imperative necessity of which must have been felt by all who sit on this Bench, and I may say by none more keenly than by myself—a duty which nothing but that necessity would have induced us to undertake. The duty is that of proposing to the House a measure for the more effectual maintenance of life, and, above all, of property, in Ireland. [*Laughter.*] I see I have occasioned hon. Members some hilarity. Of course, what I meant to say was that it was our imperative duty to take more effectual means to preserve both life and property in Ireland; and when I come to explain the provisions of the Bill and to state fully the circumstances under which we propose it, I think the House will thoroughly understand the position in which we are placed and the motives by which we are actuated. Before I proceed to describe the provisions of the Bill, it is of course necessary that I should state the general condition of Ireland, in respect of crime, and especially of agrarian crime, which has imposed upon Government the duty I have now to perform on their behalf. We all know that during the last year, and for some months before, there has been in Ireland—not in all parts of it, but in particular districts—an outbreak, not of general but of agrarian crime, such as was not, indeed, unknown in former times, but the equal of which we, happily, have not seen during recent years. The state of the case is this—In 1866 agrarian crime in Ireland had reached its minimum. I believe there has been no year in Irish history in which agrarian crime was at so low an ebb as it was in 1866; and this is the more remarkable, because in other respects Ireland was not in a peaceful or satisfactory condition in that year; but, with respect to agrarian crime, to which I now confine myself, 1866 was the year in which the figures were the lowest. They increased somewhat in 1867 and 1868, and, indeed, the outbreak of agrarian crime with which we have now to deal dates from 1868. I may say it began in the early part of that year with the well-known and lamentable assassination of Mr. Featherston in the county of Meath; or, perhaps, it would be more correct to say that its commencement and source was the tragedy which took place in the county of Tipperary, at Ballycohey, and which was one of the most remarkable agrarian outrages that ever occurred in Ireland, and one whose effects extend to the present time. By the admissions of all parties there was unhappily in that case a very exceptional and excessive exercise of the rights of property, and the result was an outrage which, after all has been said that can be pleaded in extenuation, cannot for a moment be palliated or excused, but which had an effect upon the mind of the public of all classes, both for good, and for evil, with which all who are acquainted with the history of crime in Ireland are familiar. From its occurrence until now the name of Ballycohey has been used over and over again in most of those missives, threatening letters, notices, and denunciations which have disgraced and disquieted the country. Beginning with that crime, which was unfortunately committed with impunity, as other crimes have been committed since, in spite of the best efforts of the Government of that day, as others have been committed in spite of the best efforts of the present Government—from that day agrarian murders and attempts to murder have occurred, not, indeed, to the extent or number which some statements have represented, but still to a very formidable number. In the month of December, 1868, there were two attempts to murder in the county of Meath, and the escape of the intended victims was merely accidental. One was the case of Mr. Rotherham, and the other that of Mr. Nicholson. At the end of that month there was a successful murder—that of Mr. Baker, in Tipperary. In 1869, according to the police returns, eight agrarian murders were committed. I am bound to add that there was one other murder in that year, which though not literally speaking an agrarian murder, was produced by the same causes as agrarian murders, and originated with the Ribbon conspiracy—I mean the murder of Mr. Anketell, the station-master at Mullingar. This makes nine murders committed in 1869; and in addition there were sixteen cases of firing at the person, many, though not all, of which were nothing less than attempts to murder, which providentially failed. The serious fact in respect of these murders and attempts to murder is this—that there have been only two cases in which any prisoner has been put upon his trial. One was the case of the murder of Mr. Tracey, in the county of Tipperary, and there was a trial which resulted in acquittal. The other was the case of the attempt to murder Captain Lambert, for which Barrett has been twice tried without either jury agreeing upon a verdict. In the month of January, 1870, there was no agrarian murder, properly so called; but there was the murder of a man named Walsh, a dealer in eggs and other things, in the West of Ireland, which in its character could scarcely be distinguished from an agrarian murder; and there was also a case of firing at the person in the county of Mayo. In the month of February there was one very lamentable murder, which to all appearances was connected with the possession of land, although it was not a matter of conspiracy, but was one of individual vengeance; in order to state the matter fully and completely, I am bound to mention this case, in which the man was shot through the window of his own house in the county of Westmeath. In reference to the whole number of all descriptions of agrarian outrages the figures were these—In 1866, the number was only eighty-seven; in 1867, there were 123; in 1868, 160; and in 1869, I grieve to say, 767. [Mr. CONOLLY: Does that include threatening letters?] Yes. In the earlier months of 1869, the agrarian crimes, including everything, great and small, some very serious and others trifling, were not large in number; but in November of that year there were 144 offences; in December, there were 337; in January of the present year, there were 267 showing a diminution; in February there were 271. But, Sir, I should state explicitly that these figures include crimes differing from each other very much, and that a vast majority of them consisted of threatening letters and notices, which, though not by any means to be despised, and though a bad symptom of the social condition of the community, yet are not always of great importance. At all events, it is necessary to distinguish threatening letters and notices from more violent crimes, which have in former years been much greater in number than they are now. Of the 767 agrarian offences in 1869, twenty-six were aggravated assaults, eighteen were incendiary fires, six were firing into dwelling-houses, 171 were the administering of unlawful oaths by force—a very serious and dangerous offence—and 480 were cases of threatening letters and notices. Again, taking the two months of the present year, in January, of 267 agrarian offences reported by the police, 244 were cases of threatening letters and notices; and in February there were 233 of such cases out of a total of 271. I may say that all cases of threatening letters, in whatever form, whether they were notices posted on a man's door, or upon some public place, or addressed to him, are, as far as we can ascertain, sent to the Castle, and are included in these Returns. It is right hon. Members should know that the vast majority of these agrarian offences is made up of cases of threatening letters and notices, and also that they should have the means of comparing the extent of crime thus shown with that which existed in former years, in order that they may not fall into unreasonable panic nor despair of the future. Former Governments have been obliged unwillingly to tolerate amounts of crime far greater than that which we have been unable to prevent. I will not go back to those years which show a prodigious, and I must say an awful amount of crime, both agrarian and of other descriptions, but I will begin with the year 1847. I have to state, however, that the number of agrarian offences committed in 1869, taking them of all descriptions, is a number greater than that of any former year since 1852. In that year the number was 907. In 1852 the number of homicidal offences, either effected or attempted, was about the same as in 1869; but it is curious to mark a comparison between other kinds of offences committed in these two years. Offences of great violence, such as dangerous assaults, firing dwellings, and so on, were considerably fewer in 1869 than in 1852. On the other hand, cases of intimidation, of administering unlawful oaths, and of sending threatening letters, were more numerous in 1869 than in 1852. It is, as far as it goes, some consolation to me that I have not so awful a catalogue of crime to narrate as that which was detailed to the House by my right hon. Friend the Member for Morpeth (Sir George Grey) when, in 1847, as Secretary of State for the Home Department, he introduced the Crime and Outrage Bill. The crime which he had then to describe was of the most formidable character, and, without detaining the House by going into particulars, I may give some idea of it by mentioning that during the six months ending in October, 1847, there had been committed ninety-six homicides of all kinds, there had been 126 cases of firing at the person, and 116 cases of firing at dwellings, and that during the single month of October, 1847 — the time when my right hon. Friend introduced his measure — there were committed nineteen homicides, and there were thirty-two cases of firing at the person, twenty-six cases of firing at dwellings, and 118 robberies of fire-arms. That catalogue included crimes of all kinds; whereas, on the present occasion, we have specially to deal with agrarian crime. There was also at that time a state of general crime, far beyond, I am happy to say, anything that has occurred in Ireland, either in the last or in many previous years; indeed, crimes other than agrarian have not increased, but have remained, I am happy to say, at the same low figure at which they have stood for a considerable number of years. Comparing 1847 and 1869, I find that agrarian crimes stand as follows:— In 1847 there were 620 agrarian crimes, and in 1869 there were 767; but in 1847 the crimes of great violence and atrocity were far more numerous, for there were sixteen homicides against eight in 1869, and thirty-five cases of firing at the person in 1847, against sixteen in 1869. On the other hand, the cases of intimidation were more numerous in 1869 than in 1847. I may be asked why, under these circumstances, the Government think it their duty to propose special legislation for the repression of agrarian crimes in Ireland beyond what was proposed in 1847, and that is a question which I desire to answer. I have no doubt that those who live in the disturbed districts of Ireland, and suffer from this state of things would answer it in a very summary manner, for they call upon the Government to put an end to the intolerable system of intimidation which exists in those districts. But, speaking for ourselves, the case stands thus—in the first place, in respect to agrarian crimes the comparison is not favourable to the year 1869. Again, it is very evident that our standard has risen since 1847, and that we are not prepared to endure or submit to a state of crime in 1870 which was considered inevitable in 1847. Again, a Crime and Outrage Act was passed in 1847; and although there is no doubt that that Act must have had, and actually had, a good effect in checking crime in Ireland, yet it must be remembered that it was not so effectual as to prevent the continuance and even the increase of crime in that country during the next two or three years. Again, for the most part, though not altogether, we have during 1869 possessed and exercised most of the powers conferred by that Act, but, nevertheless, they have not sufficed to prevent the continuance and even the growth of crime. There is also this important circumstance to be considered, that in the disturbed districts of Ireland at the present time, intimidation and terrorism — though not accompanied by acts of violence and atrocity so great or so numerous as in former years — are as general and deep-seated and as effectual as ever. The Government feel that, under these circumstances — putting aside all question of comparison, and taking the actual amount of crime prevailing in Ireland — it is their imperative duty, after having done all that a Government could do with the means at their command to check and repress these crimes, not, I am bound to say, without a certain amount of success, but not with any satisfactory result — they feel it to be their duty, under these circumstances, to ask Parliament for further powers. The main characteristic of the disturbed districts of Ireland at the present time is the existence of a dangerous and formidable system of intimidation and terrorism — and that is a point to which the provisions of this Bill are chiefly directed; because that state of intimidation operates so as to make it almost impossible to obtain evidence for the conviction of any criminal, and tends to the spread of crime of every kind, not only in the disturbed districts themselves, but in other districts. The House ought to have some idea of the nature and extent of this terrorism, with which I am but too familiar, because I read cases of it every morning in the records of the police reports. I will give a few, and only a few, extracts from the reports of this month. In Mayo, a police officer hearing that a stack was on fire, went to the spot and found a stack of hay and some oats burning. The windows of the house had been broken and the house wrecked; and the damage was estimated at £166. The following is another police report, dated Ballina, March 12, 1870:—

> "About one o'clock in the morning of the 11th instant, a body of ten or twelve men visited the houses of some herds, whom they swore to give up their herdings or they would be shot, and informed them that they would be 'looked after,' one of them saying he was Rory of the Hills from Tipperary. They fired a shot on leaving each house. The herds were reluctant in giving information, and say they could not identify any of the parties. One of them has given up his herding in consequence. As the others have not done so, the constabulary have been directed to patrol the place by night in plain clothes and with revolvers."

In respect to the county of Westmeath, the police report, dated Mullingar, February 28, 1870, states—

> "On Saturday night last, about half-past eight o'clock, Joseph Lynch, servant boy to a miller at Kilpatrick, was returning from Mullingar to his master's house; when about half a quarter of a mile from the town a man crossed him on the road, desired him to go on his knees, and fired a shot across his face. A second man then came up and fired a shot into him, a ball or slug taking effect and passing through his thigh. A third man then came up, and they all three set to work to beat and kick him. They then left him. He says there were more in it, but he could not say how many. He managed to crawl on to Leonard's house, which is not far off. They would not keep him in it through fear; but Leonard helped him on towards the town to the house of a man living near the railway. Here he showed his wounds, and the woman dressed the wound on his head. He slept in the house, and next morning was able to walk home with the help of a stick. The wound is not dangerous, being through the fleshy part of the thigh. Lynch can give no description of the men, nor did he, Leonard, or Hope, in whose house he had slept, give any information to the police."

The last extract from a police report, which I shall read, shows the enormous difficulty of obtaining evidence. It is dated Mullingar, February 23, 1870, and states—

> "A most respectable farmer, named Michael Kerrigan, was shot last night about ten o'clock in his own house, at Johnstown near Donna. He was hit in the neck, the slugs injuring the spine; he now lies in a hopeless state. (A subsequent report announces his death.) I immediately proceeded to the spot. Kerrigan was hardly able to speak, and refused to make any declaration, although he knew he was dying, and had no hope of recovery. Kerrigan was a man of exemplary character, the sole support of an aged father and mother. The inmates of the house consisted of these and a nephew, a young lad of about twenty, who had been in America, and had returned. The unfortunate victim was an exemplary Roman Catholic, and at the time had been reading a religious book to his family. He stood up to settle his bed, when he received the contents of a gun through the window. The assassin must have been well acquainted with Kerrigan's habits and the plan of the house, for the shot was fired through the small square window, and just at the moment when Kerrigan stood up."

These extracts, which are mere specimens, will show to the House that these murders and murderous outrages, if not so numerous as in former years, are especially lamentable in this respect, that the system of intimidation which prevails prevents us from bringing offenders to justice. The House can have little idea of the difficulties which beset the police and the Executive in this matter. I may say, with all sincerity, that no efforts and no exertions have been spared by the Government to meet the state of thing prevailing in the disturbed districts. I venture to say that no Government, and no constabulary force could have made greater exertions for that object during the past autumn and winter than we have. We sent our best officers to the most dangerous quarters; we have augmented the police force as far as possible; we have largely reinforced the police in the worst districts by numerous detachments of troops, who are now engaged, and I believe not without effect, in moving about those districts and patrolling the roads. Further, wherever circumstances seemed to demand it, we have sent parties of extra police to the scene of the outrage, and charged the expenses on a small area, generally consisting of a few townlands. With regard to the investigation of crime, Law Officers, as able and efficient as any Government ever possessed, and able Crown Solicitors acting under those Law Officers, have spared no pains to make inquiries as searching as possible. Those efforts have resulted in only very partial success. The amount of success that has been obtained is as unsatisfactory to the Government as it can possibly be to the House and the country. I know what has been said of the constabulary. It has been said that, however good they are as a military force, they have shown themselves deficient as a detective force. I am not surprised at that observation being often repeated; but I am bound to say that I believe allowance enough is not made by this House and the country for the enormous difficulties which, under the present circumstances, beset the Irish constabulary. I should like to give the House an idea of what those difficulties are, not from any constabulary authority, but from a gentleman entirely unconnected with that force. He is Crown Solicitor in one of the most important counties, and he writes in these terms—

> "In most parts of Ireland, and particularly in Tipperary, persons giving evidence are branded as informers, and are shunned by the country people, and even by their former friends; in fact, they lose caste, and their lives become endangered; and the same feeling is extended to their relatives. Previous to 1866 agrarian crimes had, to a great extent, disappeared in Tipperary, where a very good feeling was growing up between landlord and tenant, the latter of whom, as a rule, held their farms at moderate rents, and were becoming industrious and wealthy; but Fenianism, to some extent, unsettled the minds of the poorer class, and encouraged a resort to violence where any bad feeling existed, and it has certainly greatly increased the dread of giving evidence. People are, latterly, more averse than ever to give the slightest assistance to the authorities in discovering crime. They will not even discuss the circumstances which may have led to the outrage, and will profess ignorance of collateral facts notoriously within their knowledge, and, I regret to say, make little difficulty about perjuring themselves rather than appear as witnesses, and when induced to make an information, it is often extremely difficult to get them to adhere to it when placed in the witness box. I have known a man swear an information which I knew from other sources to be perfectly true; and I have seen him afterwards come to the table and swear that every word in it was false; and the cases in which witnesses endeavour to give a colouring to their evidence favourable to the accused are very numerous. Within the last three months a man named Magrath was murdered near Cashel, and one Jeremiah Dwyer was accused of the murder. A man named Jerry Ryan saw the accused near the place about the time the murder was committed, and talked of having so seen him to some neighbours, from whom a knowledge of the circumstance reached the constabulary, who had Ryan brought before the Hon. Martin J. Ffrench, to whom he denied having seen or stated that he saw the accused. Mr. Ffrench, knowing this statement to be false, committed him to the Bridewell in Cashel, in the hope that he might be induced to tell what he knew, but he was only a few hours in the Bridewell when he hanged himself, rather than what is called 'disgrace his family' by giving evidence."

That statement will illustrate to the House the enormous difficulties under which the police labour in this matter of detection. They can gain no clue from anyone in the country. It has been found that men who distinguished themselves as detectives in the large towns of Ireland, when transferred to the rural districts, utterly failed to get such information as could be acted on in a court of justice. But I am far from saying that the detective portion of the constabulary is in a state that does not not admit of improvement. On the contrary, the Government have felt it necessary to take measures with a view of improving it. We have formed for the first time a special detective department in the constabulary force, presided over by an officer specially selected for his capacity in this line, to whom great discretion has been given in the choice of his men, and who has done, and is doing, very valuable service in this respect. The House will see that it would not be my duty to describe what exactly is being done by those detectives; but I may assure hon. Members that a great deal more is done then the public generally suppose. Though it is true, as I have already said, that, in very many cases, those detective officers cannot obtain evidence sufficient to convict the guilty parties in a court of justice, I must remind the House that bringing culprits to justice is not the only function which the constabulary detectives perform. Because, although their information is very often short on this point, they constantly afford the Government information sufficient to enable us to protect life and property in those disturbed districts to a degree of which the House is little aware. If I were to state to the House the number of cases in which, very often from information obtained through them, we have been able to protect the lives of individuals who have been threatened in the worst districts in Ireland, the House would be surprised at the length of the catalogue. It is impossible to prove that which has been prevented; but the House may be assured that however scanty the positive results of the constabulary inquiries may have been in the way of making criminals amenable to the law, yet a large amount of work has been done, which I know to be so important and meritorious, that I feel bound to protest in this House against any want of appreciation of the services rendered by the force. Such, then, as I have described, has been, I grieve to say, the state of things during the last few months in several counties of Ireland—namely, in the counties of Meath, Westmeath, and Mayo. At the present moment, of those three counties, undoubtedly the state of Mayo is the worst. I do not know that I can do better than read to the House a few sentences from the Charge of a learned Judge who has just presided over the Assizes at Mayo, which give a very lively idea of the state of that county. After lamenting the change that had occurred since the last Assizes, he uses these words—

> "The county inspector's return disclosed another dangerous system which prevailed among the most primitive sections of the people. Large bodies of men assembled at night in parties numbering from 100 to 200, who went visiting the houses of the farmers, administering oaths, taking arms, and extorting money. There were thirty-five cases of that description reported by the county inspector. In one case thirty persons were sworn not to pay more than the valuation. Fifty men swore the labourers of a Mr. Kenny not to work for less than 1*s*. a day, and 'to be true to Ireland.' Another party came and fired shots, and warned the people not to pay toll at the market crane. They were also warned not to pay rent. Sums were levied from the people of 1*s*. and more in the pound. Of this class there were three cases. In all these cases the people declined to prosecute. They said these parties were unknown to them, but that the identity of all these persons was unknown appeared quite impossible. The persons so visited must have known some of them. Their refusal to identify or prosecute such persons should be ascribed to one of two causes—either they sympathized with the offence, or they were terrorized. Their sympathy might be with the refusal to pay a rent over the valuation, but their sympathy could scarcely be with persons who compelled them to pay money. He thought, in that case, the refusing or declining to prosecute could only be ascribed to the terrorism which prevailed in the county, and which cramped the administration of the law."

The learned Judge then speaks of the number of instances in which those nocturnal visits have been paid. Now, Sir, though this system of intimidation and terrorism has not for the most part been attended by any very atrocious occurrences, it is interfering to a most serious degree with the peace and happiness of families, and with all the relations of life, not only between landlord and tenant, but between all other classes of the community. This state of things has been more or less going on during the winter. In the month of January, however, it appeared to the Government that the state of things was improving. No agrarian murder had been committed since October, and there appeared to be a lull in intimidation; threatening letters were on the decline, and we hoped that possibly they might cease. They had broken out in December very actively in the county of Sligo; but there they had not only declined, but almost come to an end. We met Parliament with the hope that by the most vigorous use of the means at our command under the ordinary law we might bring this state of things to an end. That hope, like some other hopes entertained by the framers of Queen's Speeches during the last few years, has not been realized, and we find that a state of lawlessness, both agrarian and seditious, still prevails in a considerable part of Ireland. As to the causes of that state of lawlessness it is not my business to say much. It is very difficult to account fully for these outbreaks of agrarian crime; but there can be no doubt that when they once begin they are propagated by the contagion of the crime itself, and by the impunity from punishment which unfortunately results from the difficulty of detection. Again, there can be no doubt they have been stimulated by the violence of much that has been spoken and written during the autumn and winter—sometimes so intended, and often not so intended—and in some degree, doubtless, they are due, unavoidably due, to the excitement attending those great legislative proposals which are now before Parliament relating to questions which so vitally affect the interests, the feelings, and the passions of the lower orders of the Irish population. That is a state of things which we are bound to meet, but beyond that there is a state of lawlessness which has been greatly caused by the co-existence of Fenianism in Ireland together with agrarian crime. Fenianism, as an organization, is very different from Ribbonism and other agrarian systems; but it would be a great mistake to suppose that the pressure and action of Fenianism has not had a great effect upon the whole state of crime and lawlessness in Ireland. Although it is not now showing itself above the surface, there can be no doubt that Fenianism is still active, and determined to avail itself of any opportunity to show itself in arms against the Imperial Government. Fenianism has everywhere in Ireland enormously increased the feeling of hostility to law and authority, even where no crimes are actually committed. I am happy to say that at this moment the South of Ireland is for the most part free from actual crime, yet even there Fenianism adds greatly to the state of terror and intimidation which impedes and almost destroys the operation of the law. My conviction is that the Bill which I am about to describe to the House will have a most valuable effect in Ireland in aiding the lawful authority, not only against agrarian crime in particular districts, but also against the machinations and efforts of the Fenian conspiracy, in whatever part of Ireland it may exist. Now, Sir, I will describe to the House, as briefly as I can, the main provisions of the Bill I am about to ask leave to introduce. The provisions of the Bill apply partly to districts which are proclaimed under what was originally called the Crime and Outrage Act, but which has of late years been called the Peace Preservation Act, and partly to districts which do not come within the scope of that measure. With respect to the proclaimed districts, the first provision relates to the possession and the use of arms—a very important matter in Ireland at this time, both in relation to agrarian crime and to seditious conspiracies. Under the present law the holding of a game licence is of itself a sufficient authority for the possession of arms, and our first proposal is that there shall no longer be such an exemption. The Government knows that this exemption has been used in Ireland for very improper purposes, and that a man, however unfit for the posession of arms, by taking out a game licence becomes entirely free from the provisions of the Peace Preservation Act. It is now provided that the mere possession of a game licence, without an ordinary licence to possess arms, shall not exempt anyone from that Act. The next provision of the Bill relates to a species of dangerous weapon—the revolver—which was not invented until after the Peace Preservation Act was passed. Unhappily, the possession and use of the revolver are increasing every day among what may be called the dangerous classes in Ireland. The Government have reason to believe that extraordinary efforts are made to procure revolvers, and many cases have come before them in which the parties, whether Fenians or members of agrarian conspiracies, were armed with such weapons. We seek to enact that an ordinary licence for arms shall not be sufficient to permit the possession of a revolver; but that the resident magistrate—who is the licencing authority—shall issue a special one in regard to that weapon, and every person who wishes to have a revolver must convince the magistrate that he is a fit and proper person to be allowed to possess one. With respect to the punishment for the unlicenced possession of arms in a proclaimed district, we propose to revert to the original provisions of the Crime and Outrage Act, as it was introduced in 1847, which have been greatly mitigated since. These provisions were that the court should have power to adjudge two years' hard labour as a maximum punishment for that offence, which punishment has since been reduced to one year without hard labour. The real character and magnitude of cases of the unlicenced possession of arms in a proclaimed district vary considerably; sometimes they are very trivial, but at other times they are of a very grave nature, the persons apprehended being palpably engaged in the prosecution of some unlawful business. The next point relates to the powers of the constabulary to search for unlicenced arms in proclaimed districts—a matter which is considered by the most experienced persons to be of vital importance. At present, a search for unlicenced arms can only be made during the daytime, and then under great restrictions. The Lord Lieutenant issues his warrant in every case of individual search; this warrant is got for a certain time, but when once executed it cannot be acted upon again. It is frequently essential that the search for arms in a disturbed district should be made promptly, and by the officers who are on the spot, and we therefore propose to enable resident magistrates and county inspectors to search for arms at any hour of the day or night, under a warrant which shall be in force for three months. That is a power which, together with the system of patrolling disturbed districts by both the military and police, we believe will have an important effect towards restoring order, for it must be evident that if the patrols have the right of visiting and entering the houses of suspected characters in such a district at any hour of the day or night, the efficiency of the patrolling will be very greatly increased. There is also a new power given to make the present law either more effective or more clear, for the purpose of searching for documents in the houses of persons suspected of writing threatening letters. Threatening letters, we know, have been and are now the curse of these disturbed districts. Sometimes such letters are insignificant; sometimes they are formidable, and they generally cause a vast amount of alarm and disquietude in the families which receive them. The difficulty of detecting and punishing the crime of writing a threatening letter has always been very great. It has always been found to be so. To facilitate their detection and punishment we propose that there shall be a power upon information sworn to search the house and premises of any suspected party for any documents containing his handwriting which may lead to the detection of the author of the threatening letter. The next point relates to arms and ammunition in proclaimed districts, and we provide that no arms and amunition shall be sold by dealers in proclaimed districts, except to persons who are licenced to carry arms, there being no such provision at present. Then there is a proposal with respect to witnesses, which, although it is entirely free from objection will not be found without importance. At present, as most of us know, if a witness examined upon the hearing of a case where some party is charged with an offence refuses to give evidence, or plainly evades the true performance of his duty as a witness, he may be committed by the examining magistrate. But that refers only to cases in which some one is actually charged with an offence. Well, Sir, in Ireland, and especially, of course, in those proclaimed districts, it frequently happens that an outrage has taken place, perhaps, that some one is greatly suspected, but that it is impossible, at the moment, to put anyone actually into the dock, and in these cases, although the magistrate may have the best reason to believe that certain witnesses can give most valuable evidence; yet, because there is no one actually charged, it is impossible for that magistrate to exercise that due control over the conduct of those witnesses which is exercised as a matter of course whenever anyone is actually in the dock. Such control and the power of punishing a witness for improper conduct may, we think, be given as properly in one case as in the other; and it is therefore proposed to empower magistrates to examine persons on oath, even when no person is charged before them with any offences, and to deal with any witness who may misconduct himself by refusing either to give evidence or to enter into recognizances for his future appearance, according to the law which at present applies to such cases. The last point under this head relates to the question of bail as regards prisoners charged with offences under the Peace Preservation Act. At present the magistrates have no power to refuse bail, and they are bound to accept it. We believe there are cases under those Acts in which it would be right that the magistrates should have a discretion, knowing as we do that the offences under those Acts vary widely, from something that is very trifling to something that is very serious. We, therefore, give the magistrates the power, which is possessed in so many cases, of refusing bail if they choose to refuse it. The greater portion of these provisions in respect to the possession of, and the search for, arms will apply, for the most part, to offences whether of an agrarian or a seditious character. But there are other provisions of a more special and exceptional nature that we do not propose to apply to all the proclaimed districts, but only to districts which shall be specially proclaimed for the purposes of this Act by the Lord Lieutenant, as being in a state of serious disturbance; and I hope there may not be many such. And, first, we propose to provide that if the police, acting under the orders of a justice of the peace, shall find parties out in these proclaimed districts at night—the time during which almost all these acts of terrorism with which we have now to deal are committed—if they find parties out under these suspicious circumstances they shall have the right of arresting them, of bringing them before the magistrates in petty sessions, who shall examine them, the presence of a stipendiary magistrate at the hearing being in all cases required; and if the parties shall not be able to show good reasons for having been out at night on some lawful avocations, the magistrates shall have the discretionary power of imprisoning them for a period not exceeding six months. In these specially-proclaimed districts, of which alone I am now speaking, we also provide that the Lord Lieutenant, by his warrant, shall have power to close public-houses after sunset. We believe this will be a very valuable power to be possessed by the Executive in these disturbed districts. Some of the public-houses—of course only some—are well known to be the haunts and meeting places of those who disturb the peace, and commit acts of terrorism in such districts during the hours of darkness. The next power is one which formerly existed under the general law of the land, and which, with respect to these specially-proclaimed districts only, we propose to restore—namely, that of enabling justices of the peace to call before them strangers moving about the district under suspicious circumstances, who cannot give an account of their business, and who, as we all know in Ireland, very often have no good business to account for; and the magistrates will be enabled to require such strangers to enter into recognizances to keep the peace, or else be committed to gaol until they give security for their good behaviour. That will be under the safeguard provided in the former law—namely, that whenever such a committal occurs, the committing magistrates shall be bound to report the whole nature and circumstances of the case to the Lord Lieutenant, on whose decision it will rest whether the prisoner shall be detained or set at large. The next provision is of some importance; it enables magistrates in petty sessions, in these specially-proclaimed districts—including in all cases the resident magistrate—to deal with certain offences of a limited character in a summary manner. Our belief is, that in many of those cases, which may be called police offences, it is better to provide a class of punishment which, although small in amount, shall be speedy and certain in its operation, than to trust to a heavier punishment that is remote and uncertain. Therefore, in those cases we propose to give the magistrates in petty sessions the option of either sending for trial as usual, at quarter sessions or assizes, persons guilty of offences under the Arms Act, or of dealing with them summarily by sentencing them to imprisonment for a period not exceeding six months. These are cases in which there can hardly be any question to go before a jury, for they are generally those in which the police themselves were on the watch and have arrested the parties in the act, and there can scarcely be any doubt as to facts. The next point in respect to the specially-proclaimed districts is one of much importance, and it is this — We propose that in those districts the Crown should have power, upon application to the Court of Queen's Bench, to change the venue for the trial of any offence committed in the district. This, of course, is not a power to be lightly used; but we believe it will have a very great effect on the state of crime and also of intimidation which at present prevails, because it is well known that among the people of a disturbed district, such as Mayo is now, what is commonly said and believed is this—that crime may be committed with impunity, because no Mayo jury will dare to convict. However that may be, it is of the utmost importance that we should show to intimidators that no amount of terrorism against jurors will be of any avail, because they will be liable to have the trial taken to a distant part of the country, where, while properly and impartially conducted, it will be free from all those undue influences. All the five provisions I have described apply not to districts ordinarily proclaimed, but to counties or parts of counties which shall be specially proclaimed for the purpose of this Act. Now, I go beyond the districts proclaimed, whether specially or generally, and come to the provisions, not numerous but important, which apply to all Ireland. The first of these relates to the sale of gunpowder and firearms. At present there are no restrictions whatever on the sale of gunpowder and firearms—a state of things scarcely consistent with what we know of the condition of Ireland, and one which we think ought not to be allowed to continue. We propose that a licence should be required for the sale of gunpowder and of firearms, and, further, that all dealers in them should make returns to the police of the number of their sales, the parties to whom they sell, and so on. The next point is a change of the general law that has been recommend by the Irish Law Officers, and which we introduce here—namely, a power to arrest absconding witnesses who have bound themselves to prosecute, but who either have absconded or are about to abscond. It has long been thought there ought to be a power to arrest such persons and prevent them from breaking their recognizances. The next provision is of some importance and interest. We propose to give to grand juries—and several grand juries have asked for it — the power to present and levy compensation upon such parts of the county as they may choose, on behalf of parties who have sustained personal injuries by agrarian outrages, or on behalf of the representatives and families of murdered persons. It is well known that powers are already possessed and are frequently exercised by Irish grand juries of an analogous kind in analogous cases. They possess power to give compensation in cases of malicious injury to property, and they also have a power, which I believe has been seldom exercised, of giving compensation to witnesses or jurors who have been injured in the execution of their duty. But we propose, in regard to persons who have been murdered or injured through agrarian crime or as the result of illegal combination and conspiracy, to give the grand jury a discretion to present and levy a compensation for the families, to be levied on such an area as they may think fit, whether that of the barony or a lesser one. Of course, all such presentments will be subject—as presentments are now, to the fiat of a Judge. Well, these last three provisions relate, as I have said, to all Ireland. I now come to another provision of far greater gravity and seriousness, which also has no local limitation in Ireland—I mean that by which we propose to deal with newspapers in that country which contain treasonable or seditious writings. Sir, we have felt that when we were endeavouring to find and propose to Parliament the means of stopping or checking disturbances and outrages, whether agrarian or seditious, in various parts of Ireland, it was impossible to separate that question from the consideration of another question—namely, the nature of those weekly publications which form the literature, too often the sole literature, of the classes from which those outrages proceed. What that literature is is well known. It is well known how it teaches and preaches in every form, with an amount of boldness and audacity varying from week to week and from month to month, hatred of the institutions and Government of the United Kingdom. It is known how that weekly literature poisons the minds of the people in Ireland who read it against all law and against the Constitution of their country. It is known how it inflames the passions of the people by rhetorical descriptions of the wrongs of other days. It is known how it makes it impossible for those who read that literature, and read none other, to know the truth with respect to public affairs and the real conduct and intentions of the Government of the country. It is well known how constantly—sometimes openly and undisguisedly, sometimes under some disguise more or less thin—it points, not to any constitutional means for the redress of what may be deemed grievances, not to any action within the law and Constitution, but to violence and civil war. We have thought that, when we were endeavouring to stop or check the flames of sedition and agrarian crime, which are smouldering or burning in certain parts of Ireland, we were bound at the same time to endeavour to cut off or check the supply of that fuel which keeps up the fire. But we may be asked —"If you object to these papers, why not prosecute them? The courts are open—why not use them?" This is a question which has been very carefully considered by Her Majesty's Government both in Ireland and here, and I can assure the House it is one surrounded by great difficulties, and that the course thus recommended is far from clear. There are two ways only in which you can prosecute such a newspaper as I have described. You may prosecute it for seditious writing or for treason-felony. With respect to prosecutions for seditious writing, we have had an experience which is by no means encouraging, because we know that under the late Government the editors of two newspapers in Dublin were so prosecuted. I am sorry the two cases were mixed up together, because there was a great difference in the course which the two newspapers had taken. However, a conviction was obtained, the editors were subjected to a punishment of the mildest kind; long before the time their sentences expired they were released upon the representations and appeals of numbers of respectable people in Dublin; and all the time their papers went on writing as they had written before, only with greater zest and vigour from the fact that their editors were in prison. Then, with respect to treason-felony, it is well known that it is by no means an easy or a certain thing to convict any one under the Treason-Felony Act of treason-felony proved only by written words in a newspaper, however really, substantially, and to all intents and purposes treasonable and seditious these words may be. Great ingenuity is used by these newspapers for the purpose of evading technically, and technically only, the penalties of such prosecutions. Upon a criminal trial of course every doubt is given in favour of the prisoner, convictions are uncertain, and an abortive trial of this kind is damaging to those whose duty it is to vindicate the law. Such trials ought not to be undertaken without a strong presumption that they are likely to succeed, and however clear may be the conviction of the legal Advisers of the Government that the expressions of the newspapers are really and substantially treasonable or seditious, it is very often a most difficult task to insure the punishment of the offenders. And then, when such a trial fails, it tends to give increased importance to the paper, and to add to its circulation. Again, even supposing the trial to be successful, it deals only with one particular paper; the effect does not go beyond that; and if you want to prevent this dangerous literature from being circulated among the people of Ireland the same doubtful and uncertain process has to be repeated over and over again. Now, our object is not so much to punish individuals as to stop the evil itself, and that is the end we have in view in the provisions I will state to the House. We propose in this Bill to proceed, not against the person, but against the paper—against the instrument of the treasonable, seditious, or felonious writing. That is a principle not unknown to the law of England. The law now stops publications of another kind—of a very different kind, no doubt—I mean publications of an immoral character. We propose to take powers, if Parliament will grant them, to stop any paper containing treasonable or seditious matter, or incitements to felony, or matter having a tendency to foster and propagate treason, sedition, or incitements to felony. But we ask for that power under conditions which will insure the fullest responsibility of the Government, and which, in case the Executive shall act by mistake or unjustly, will give redress to the sufferer. We propose that the Lord Lieutenant shall have power, if he considers any paper to be of the character I have described, to seize by his warrant the plant in the office in which that paper is published, and all copies of such paper, wherever they may be found. We propose that he should also have power to seize all copies of any paper of that description found in Ireland, wherever it may be printed, whether in England, America, or anywhere else out of Ireland. That being a great and responsible executive act, which we seek to enable the Lord Lieutenant to perform on his own responsibility, we propose to add provisions which will be an important and effectual check upon the exercise of that power, and which, if need be, will afford means of redress to the party considering himself aggrieved. We propose that any person who feels aggrieved by such warrant of the Lord Lieutenant shall have a right of action against the officer executing it, shall have the right of going into court and maintaining that the seizure is illegal because the newspaper did not contain such matter as the Government described as seditious or treasonable, and the Crown will then have to prove that the newspaper did contain such matter. That issue may go to a jury, and if the jury shall find for the Crown of course there will be an end of the affair; but if the jury shall find that the newspaper did not contain such matter, the Crown will be bound to pay to the person aggrieved such damages as the jury may assess. These are the means which we propose for putting a check upon treasonable or seditious writing, and they are such as, while giving a great and important power to the Executive to be exercised under the gravest responsibility, will at the same time increase that responsibility by the necessity of the Government appearing, if called upon, in open court to justify by evidence the course they have taken, and if the Government have acted by mistake or unjustly will give ample redress. That, we believe, will be a power effectual for its purpose, and at the same time we are convinced it will not interfere with any newspaper in Ireland which does not choose to take the illegal course which will bring it under the operation of the Act. All newspapers, no matter of what complexion of politics, no matter how extreme the opinions of their editors may be, as long as they keep within the bounds of legal and loyal discussion, will be entirely free from any danger or risk from the operation of these provisions. And that newspapers themselves are capable of seeing the case in that light—as I have the greatest confidence most newspapers will, as they will be entirely unaffected by these provisions—I have had proof this very day, because I met this morning, in one of the most respectable journals published in the north of Ireland, a passage which bears out that view, and which I will read to the House. This is the passage—

> "There can be no doubt that never in the history of journalism has the liberty of the Press been so grossly abused as by some so-called Nationalist, but really Fenian newspapers. They have hesitated at no misrepresentation, at no lying, in order to bring the Government into disrepute. They openly trade in sedition. Such newspapers, and they are very well known, have no right to appeal to that liberty of the Press which they so grossly abuse. If any means can be devised for checking effectually their licentiousness, while in no respect trenching on the limits of fair discussion, we have no hesitation in saying that such means the Government will be quite justified in employing. Those newspapers display the very worst faults of the Irish character. They appeal, not to the patriotism and intelligence of the people, but to their narrow prejudices, their evil passions, and their ignorance. They regard every means as fair by which the Government can be run down; and they are addressed to readers who peruse nothing else, and have no opportunity of correcting their base misrepresentations. Those journals will, of course, denounce 'the tyranny of the English Government' for interfering with their trade; but as they have always been declaiming against 'English tyranny' in the most violent language, they cannot say worse than they have done before, or than they would say if they were permitted to continue unmolested their evil work. We have long been convinced that if no other measures of repression were required, yet the extreme national papers ought not to be permitted to disseminate sedition with impunity."

["Name."] The *Northern Whig*. That shows the view taken by a Liberal newspaper editor of provisions which he sees have no concern with him or any other editor who keeps within the bounds of law and loyalty. That is the view taken by Her Majesty's Government, and these are the provisions of the measure which we have to ask leave to bring in. We believe that the provisions I have described will be effectual for their purpose, because we hold them to be directly adapted to the ends in view. It is easy enough to propose strong and violent measures; but unless they are adapted to the object in view they are of little avail. With respect, then, both to the disturbed districts now suffering from intimidation and terrorism, which is the parent of agrarian crime, and also to the Press—and there is but a small number of Irish organs which foster not only that crime, but all sedition and everything opposed to law and order—we believe that the proposals which we make will be effectual. I know very well it will be asked, as it has been asked, why the Government did not come to Parliament for another power—namely, the power which has been exercised more than once of late years, of suspending the Habeas Corpus in Ireland. If such a proposal had been made to Parliament it would, under the circumstances, have been made for the first time in the history of this country, because no Minister has ever yet asked Parliament to suspend the Habeas Corpus on account of agrarian crimes. Therefore, we have felt it our duty, under existing circumstances, to propose a measure to Parliament which does not contain that grave and, for the present purpose, unprecedented departure from the Constitution. We know, moreover, that Parliament is sitting, and will be sitting for months to come; and we know that if an absolute necessity arose for such a measure, Parliament would grant it at once on the application of the responsible Minister of the Crown. And we know, further, that it would be granted with the greater unanimity, and the greater moral effect, if it were evidently unavoidable, and as a matter of the last necessity. Under the circumstances, I think the measure which is recommended to the House is sufficiently stringent, and for the present Her Majesty's Government will refrain from proposing a renewed suspension of the Habeas Corpus in Ireland. Our object is to restore peace, confidence, and tranquillity in the disturbed districts of Ireland, and we believe that the means proposed will be effectual in securing that end. The Bill will, of course, be for a limited time. Before I sit down, let me say, Sir, that Her Majesty's Government deeply regret being compelled to propose to Parliament an exceptional measure of this kind; but that, at the same time, we make the proposition without the slightest doubt or hesitation as to its necessity. I must be permitted also to express the great consolation I have in knowing that this is not the only measure the Government has in the course of this year and the last proposed in relation to Ireland. We have proposed other measures which we believed, and still believe, with unfaltering confidence, will restore peace, tranquillity, and loyalty to that country; but, as things now are, we think it our duty to recommend to Parliament a measure of temporary repression in order that law and order may be maintained, and an end may be put to the state of anarchy which prevails in some districts of Ireland. This Bill, if passed, will be temporary in its operation; but the great measures to which I have referred will, in their effects, be lasting and permanent. The Government have thought it their clear duty to propose this Bill; and, as its introducer, and as an Irish representative, I may be permitted, while expressing the strongest hope that it will be effectual for its purpose, to say that I have now performed a task which I believe to be one not merely of policy, but of patriotism. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

SIR FREDERICK W. HEYGATE said, he was glad that the Government had realized the remark he made a few evenings back on the subject of their duty in reference to Ireland. No more melancholy duty could have devolved upon a Member of that House than to listen to the sad record of the state of Ireland that had been given by his right hon. Friend the Chief Secretary; for, though the number of offences that had been committed might not be so great as in former times, the state of the country, considering the advanced civilization of the present day, must be admitted to be worse than it had ever been. He thought a great many Gentlemen on his side of the House would admit that the Government had, under existing circumstances, taken the right course in not proposing again to suspend the Habeas Corpus in Ireland, for he was convinced that if the Constitution of a country were frequently suspended that country would, in a short time, have no Constitution at all. He regretted that it had been the duty of the late Government on two occasions to move the suspension of the Habeas Corpus Act, but under totally different circumstances. He must be permitted to express his opinion that his right hon. Friend had not done perfect justice to the Irish constabulary in the remarks he made on the difficulty of obtaining evidence in criminal trials. The condition of the two countries was so different that he did not think it would be possible in Ireland to form a force that would effectually perform the duties devolving on the detective police in England. His right hon. Friend had talked about Ribbonism and Fenianism, but he had omitted one thing which had been a great cause of outrages in Ireland—namely, the extraordinary expectations that had been held out to the Irish people by right hon. Gentlemen sitting on the Ministerial Benches. This being so, he was convinced that if what had been stated that evening by his right hon. Friend had been said six months ago by the right hon. Gentleman at the head of the Government many persons now dead might have been still living.

["Oh, oh!"] He did not mean to say that anything said by the Prime Minister had produced the outrages to which he referred; but that his words had on several occasions been grossly misreported and exaggerated, and that up to the present time there did not exist a real belief that the Government were determined to preserve the security of life and property in Ireland. He would make but few remarks upon the means that had been proposed by the Chief Secretary for remedying the existing state of things. He would just suggest that if the provision with regard to the apprehension of strangers were maintained in the form proposed, the position of tourists in Ireland would in future be rather uncomfortable. Leaving this point, there was one clause in the proposed Act which he thought a very good one; he alluded to the provision that grand juries should have conferred on them the power of compensating the relatives of murdered persons, and of awarding compensation for property destroyed by agrarian crime. But he thought it would be a dangerous principle to confer on grand juries only all the power to assess damage. It was contrary to the principle on which other kinds of compensation were granted, and, further, he thought, grand juries would not like to take such a grave responsibility upon themselves. With regard to the Irish newspapers, he thought no one could doubt the propriety of attempting to put an end to the almost incalculable mischief some of them were doing. But what was required most of all to remedy the existing state of things in Ireland was a few good honest convictions of guilty criminals. They did not require more stringent laws so much as that those already in existence should be rigidly enforced. If jurors could agree to bring in a plain verdict, and a criminal was properly convicted, the people would soon see that they must obey the law. But jurors could, as matters now were, scarcely be expected to convict, and he thought that the Scotch jury system might be advantageously applied to Ireland. There a conviction by nine out of twelve was sufficient. [An hon. MEMBER: A majority.] If two or three of the jury were allowed to disagree, and the verdict of the majority could be taken, it would be a satisfactory verdict, and timid jurors would have a loop-hole of escape. He believed the most effective cure for the disorders which prevailed would be a declaration by the Prime Minister of his determination to uphold the law. He sincerely hoped that the result of the action now being taken would be as satisfactory as the right hon. Gentleman the Chief Secretary for Ireland anticipated.

MR. BRADY said, he knew of nothing more degrading than that, at this period of the world's history, the Government of Great Britain should have to introduce a Coercion Bill for the Irish portion of her Empire. It was a sad reflection, that, after 700 years of rule, the English Government had nothing to rely upon but a measure to deprive the people of their privileges. The Government, in introducing this measure, had undertaken a very serious task, which might result in good effects or in bad results. The Bill was based on the ground that life and property were not secure. He had no doubt that the right hon. Gentleman the Chief Secretary for Ireland desired to do well by Ireland; but he was afraid that he had not taken the right course. He seemed to have forgotten that there had been a Peace Preservation Act in existence for many years, which had failed to produce the good effects expected of it. They had also a Crime and Outrage Act, than which none had ever tended more to demoralize the people, and render them discontented and unhappy. He spoke as a grand juror of five-and-thirty years' standing; he had known a great number of cases brought before the grand jury of which seventy in 100 were fictitious. If the right hon. Gentleman persisted in giving power to the grand juries to compensate the families of persons injured or assassinated, he would commit a great mistake, for grand juries would have no means of ascertaining whether a case was trumped up or not. Nine out of ten persons on a grand jury were incapable of forming an opinion upon the evidence which would be brought before them. He trusted the right hon. Gentleman would find some other channel through which compensation might be awarded.

COLONEL WILSON-PATTEN said, he hoped the provisions of the measure sketched by the Chief Secretary would not be discussed until hon. Members had had an opportunity of examining the printed Bill; and he rose simply to inquire when it was intended to proceed with the measure. It would be expected that a Bill of this kind would be proceeded with as soon as possible, and he presumed that an early day would be named for the second reading.

SIR GEORGE GREY entirely sympathized with the pain expressed by the Chief Secretary in the duty imposed upon him of proposing this exceptional legislation; but, at the same time, it was impossible to read the daily record of crime in Ireland appearing in the newspapers, and especially was it impossible to read the Charges of the Judges now on circuit in Ireland, without feeling it was the imperative duty of the Government to ask for sufficient power to enable them to perform the first duty of a Government—namely, to maintain order and preserve the lives and property of loyal subjects against outrage such as that now prevailing in Ireland. He rose chiefly to say he entirely agreed with the opinion expressed by his right hon. Friend the Member for Lancashire (Colonel Wilson-Patten), that it would be most undesirable to criticize any of the details of the measure proposed by his right hon. Friend the Chief Secretary, or even to express any opinion now as to the provisions of the Bill; for he was sure, notwithstanding the full statement he had made, the House could not form a correct judgment of those provisions until it had seen the Bill in print. He had no doubt the Government intended to proceed with the measure on an early day; and the House, having examined into the merits of the Bill, would, he was sure, discuss it with an earnest desire to give the Government those powers which were absolutely necessary to enable them to perform the duty which the country had for some time called on them to discharge.

MR. CONOLLY said, he was obliged to protest against a measure which he deemed entirely inadequate to the emergency. He had acted as a magistrate now for a considerable number of years, and he had never known the local magistrates either sluggish or fearful in the discharge of their duty, and he had known many instances of great energy on the part of the police in bringing crime to light, under circumstances of very great difficulty. He could assure the right hon. Gentleman the Chief Secretary for Ireland that he and his brother magistrates in the county which he had the honour to represent would endeavour to support him in rendering the law effective. If Ireland was to be reduced to order, the work must be done through the local magistrates alone; they were well known to the people, and their action in the interest of peace and order would not be regarded as extraordinary. He had never known a magistrate suffer in purse or person through official activity or determination to do his duty. Ireland could not always be governed by a beaureaucracy—she had been governed so too long. The magistrates of Donegal wished the Government to take more prompt and energetic measures to put a stop to the fearful increase of crime which, if suffered to continue, must end in the total disruption of society and the ruin of the country. In a resolution which they had recently passed, they stated their opinion to be that the Habeas Corpus Act ought to be immediately suspended, and that extra powers should be given to the magistrates, and to the constabulary, to enter and search suspected places for arms, documents, and persons; that their number should be increased, and that they should assume more of a detective character. The magistrates in that part of Ireland were thrown upon their own resources. They seldom applied for extraneous powers. They relied upon the constabulary in their own county, and had at present only the number to which by law they were entitled. If the Habeas Corpus Act was suspended he should have no fear of the increase of crime and outrage. The right hon. Gentleman had mentioned Mayo, Meath, and Westmeath, but omitted to mention Tipperary. [MR. CHICHESTER FORTESCUE said there was no agrarian outrage in Tipperary.] He believed that not only was there a formidable conspiracy against life and property in Tipperary, but that the nucleus existed there of the conspiracy which prevailed throughout Ireland. Who was "Rory of the Hills," of whom they heard so much? He was very much mistaken if he would not be found in Tipperary. If the Habeas Corpus Act were not suspended he would very soon be found roaring elsewhere. It was idle to talk of the Constitution when neither life nor property were secure. The Government was always legislating for Ireland in a hurry, and of all the bugbears the most absurd was to be crying "Peace, peace," when there was no peace. The right hon. Member for Liskeard (Mr. Horsman) rightly jeered at the idea of an Irish landlord having any rights at all. If he had not the right to live, what was the use of any other rights? His first right was protection, and that should be of primary consideration by the Government. During the last twenty years a number of measures, called by all sorts of names, had been introduced similar to that the Chief Secretary had foreshadowed that night, but they had none of them proved beneficial. A state of terrorism had seized the vast majority of the people of Ireland, and, as the Solicitor General for Ireland well knew, they were not the gentry, who lived in good houses and surrounded by dependents, or men in towns, who were protected by the police, but the county farmer, who could not leave his small homestead without the risk of being surrounded by a gang of ruffians, who imposed upon him an illegal oath, and afterwards invaded his fireside. That was the man who required protection in Ireland. He (Mr. Conolly) was not afraid. Why should he be? But it was the farmer who lived in the mountain districts, and who dared not speak above his breath, that required protection. If the Habeas Corpus Act were to be suspended, the magistrates and the police would be perfectly capable of maintaining order. The right hon. Gentleman the Prime Minister might smile, but it was so; and he had risen thus early in the debate in order to impress on the Government who had done so much, and who were striving by their Land Bill, which he supported, to do more, to produce peace in Ireland the desirability of their reconsidering the question of suspending the Habeas Corpus Act in Ireland. Life and property—and, above all, life—must be protected in that country, and to effect that a straightforward, positive, and downright measure was necessary. They had no right to palter with the conspiracy that existed in Ireland; and although the right hon. Gentleman in his statement had abstained from using the word conspiracy, there was no doubt that a formidable one existed in Ireland. Who was Rory of the Hills, and where do all these evil documents that have been referred to come from? The learned Solicitor General for Ireland knows very well. A similar state of things to the present existed in Ireland about twenty-five years ago, and when one of the confederates was detected, and at last hanged, it turned out that he was at the bottom of the confederacy that had kept the whole of Ireland in a state of perturbation for some time, and put the Government to their wits' ends, and that he was a wretched individual, with a mind and body mentally and physically distorted. And when the present conspiracy was revealed, as it would assuredly be some day, they would find they had been trembling before some wretch behind the desk of a National School. If the Habeas Corpus Act were to be suspended to-morrow their friend Rory of the Hills would cease to exist, and they would hear no more of his nonsense. No acting magistrate would permit marauding parties to go about if he could put his finger upon them. Give the magistrates the power, and they would soon secure peace in Ireland. He approved of the suspension of the Habeas Corpus, because it had been called the Policeman's Requirement Act. It gave the police a reality which they did not at present possess, and if they were to give them the power they would very speedily arrest certain leaders well known to them all over Ireland, and then the conspiracy would burst like a cloud of smoke, and nothing more would be heard of outrages such as had of late been committed.

Sir PATRICK O'BRIEN said, he collected from the Chief Secretary's statement that additional powers were to be given to the magistrates in Ireland, and it occurred to him that before they enlarged those powers there should be a revision of that body. Without intending to cast any imputation upon them, he must say it was well known that they did not, as a body, command the general respect of the people. What was the constitution of the body? Although the Lord Chancellor might have some control the Government were not responsible for the magistracy. They were appointed by the particular nobleman or gentleman who happened to be Lord Lieutenant of the county, who, it was well known, owed his own appointment to the political services he was supposed to have rendered to his party. To him was intrusted the constitution of the magistracy, and under the Bill of the right hon. Gentleman the largest possible powers were given to the magistracy. He did not rise to oppose the introduction of the Bill. Far be it from him to say that the Government would idly bring in a measure which they did not think necessary for the protection of life and property; but the House should not act under a kind of panic as to the amount of crime existing in Ireland. When the Coercion Bill of 1833 was brought in there had been in the previous year, in the Province of Leinster alone no fewer than 163 murders, and the expression Sir Robert Peel used was—"with less expenditure of British blood we rolled back the fiery torrent of French valour at Busaco." However outrageous might have been the conduct of the political conspirators, and however badly they might have acted towards the Crown, no assassinations could be imputed to them except those of members of their own order, who they believed had betrayed them. He had little faith in coercive measures as a means of putting down crime in Ireland. The only way of securing that result was by creating between the gentry and the people of Ireland a mutual interest, without which all measures brought forward with coercive intention would be as futile as many of those that had been introduced into the House.

MR. CHARLEY said, this Bill was entitled a Bill for the Preservation of Peace in Ireland. The Government had chosen that milder title for their Bill from the Act of 1856 in preference to that of the Act of 1847, which was entitled An Act for the Repression of Crime and Outrage in Ireland. The Act of 1856 was, however, a mere reproduction, with certain modifications, of the Crime and Outrage Act of 1847; and the object of the present Bill was the repression of agrarian crime. Now, he would not charge the Government with having created agrarian crime in Ireland; but, certainly, the speeches of certain Members of the Government had fostered that description of outrage. They had described landlords as "felonious;" they had asserted that "land" in Ireland ought to be "free;" they had spoken of destroying the second branch of the Upas tree of Protestant ascendancy. It was language such as this that had nerved the hand of the assassin, anxious to get by a short cut to the land he so much coveted. Was this a Bill, he asked, framed in accordance with Irish ideas? Since the last General Election the Government had introduced three Bills, which, in order to carry out their avowed policy, should have been framed in accordance with Irish ideas. First, there was the Irish Church Bill; had it been framed in accordance with Irish ideas? An Irish Roman Catholic Member had informed him that that Bill was "a hard, iron, mathematical measure, utterly unsuited to the genius of the Irish people." With respect to the Irish Land Bill, the Prime Minister was fortunately in leading strings. He numbered several English and Scotch landlords among his supporters, and, therefore, that measure had not been framed in accordance with Irish ideas. The present Bill was a penal measure. The Tories had been charged with having originated penal legislation for Ireland; but the penal laws were passed by the Whigs and not by the Tories, and the present Government, in introducing the present Bill, was only following out their old party political traditions. The Bill violated the conscientious convictions of hon. Members opposite, because it destroyed the freedom of the Press. The Prime Minister, when he introduced his Land Bill, informed the House that the distinguished foreigner approved of his policy. With what effusion would the distinguished foreigner cast himself upon the breast of the right hon. Gentleman, and congratulate him upon this measure, which proposed to establish a system of police night espionage over the people of Ireland? On the second reading of the Bill, the right hon. Gentleman would, no doubt, produce autograph letters from all the European Potentates congratulating him on his having assimilated Irish legislation to that adopted on the Continent. The measure proposed to give compensation to those who suffered from outrages in Ireland—that was to say, those who sustained the outrages would, *more Hibernico,* have to compensate themselves, provided the Land Bill passed. [MR. GLADSTONE made a gesture of dissent.] The right hon. Gentleman did not agree with him; but if he would look at the 63rd section of the Land Bill, he would see that landlords of tenancies from year to year, valued at or under £4 per annum, were rendered liable to pay the grand jury cess, although the tenants had taken their holdings subject to the payment of the tax. The hon. Member for Donegal (Mr. Conolly) had ventured to suggest to the Government that the Habeas Corpus Act should be again suspended in Ireland; but for very shame the Government could not propose it, because their only claim to power was that they had undertaken to govern that country without having recourse to such a step. That course would, however, eventually have to be taken before the pacification of Ireland was attained. By passing the Irish Church Bill the Government grossly violated the Constitution, and they could not be surprised if the Irish people bettered their instruction. The Government dangled £16,000,000 of property, which they had no right to touch, before the eyes of the people of that country; and they must not be surprised that they had whetted the appetite of the Irish people for plunder. What had been the language of the Government and their supporters with respect to the legislation of the past Session? The Chief Secretary for Ireland said, last year, that the Irish Church Bill was one of the greatest acts of wisdom and justice ever adopted, and that an era of constantly-increasing peace, prosperity, and concord in Ireland must date from that great historic event. He had been amused at hearing that right hon. Gentleman use almost similar terms with regard to the Irish Land Bill that night, which he said was to restore peace and loyalty to Ireland! The right hon. Gentleman at the head of the Government had declared that, when the Irish Church Bill became law, everyone would be conscious that a change had begun to pass over the moral atmosphere of Ireland; and so it had; but he put it to that right hon. Gentleman's conscience whether that change had been for the better or for the worse. Again, the hon. Member for Bradford (Mr. Miall) stated that that Bill would produce harmony and social confidence among the Irish people. The hon. Member for Kilkenny (Sir John Gray) had declared that the Irish Church Bill would heal the wounds of centuries and prepare the way for securing peace, prosperity, and unity among all classes of his countrymen. But the fact was that, after all, the Government had not a single friend in Ireland except the *parti prêtre.* The hon. and learned Gentleman the Member for Tipperary (Mr. Heron) was defeated by the Fenians single-handed; on the second election he was returned only by the skin of his teeth, and his first act in that House was to vote against the Government Land Bill! The tendency of the passing of the Irish Church Bill had been to make Irish Conservatives sympathize with the National party. With respect to the coercive measures that were to be used against the Press, he was afraid they would injuriously affect newspapers which formerly were the representatives of Conservative policy, but which now extended their sympathies to the National party. The present Irish Executive was the feeblest in the world. It was strong only for evil, and struck terror only into the hearts of loyal men. It had plucked from its socket one of the choicest jewels of the Crown—the Royal supremacy—and had cast it before the Fenian swine; and it was then surprised that they turned to rend their would-be benefactors. Every sin contained within itself the germ of its own punishment. The Irish Church Act of last Session was a national sin, and it was now bearing its evil fruits. The Prime Minister last Session declared that in religious equality there was a potency of charm for healing political and social wounds, and for creating that concord which is the strength and glory of a nation. Religious equality might be fair and beautiful to outward seeming; but, on closer inspection, it proves, like the Dead Sea fruit, to be but dust and ashes after all.

MR. GLADSTONE: Sir, I have no doubt that the hon. and learned Gentleman who has just spoken thoroughly believes in the relevancy of the speech he has delivered to the question which is now before the House; and he will perhaps believe me when I say that it is rather our misfortune than our fault that we have failed to perceive it. I hope, Sir, that the hon. and learned Member will compassionate us for the necessity which makes us dull, and will be somewhat consoled by the fact that there were portions of his speech which would require no ordinary mind and genius to have appreciated. Sir, the hon. and learned Member has repeated the charge brought against us by the hon. Member for Londonderry (Sir Frederick W. Heygate); but unlike the hon. Member for Londonderry, who has retired to occupy himself more agreeably, he has waited in his place to hear the reply. The charge to which I allude is, that the present condition of Ireland is to be traced to the conduct of Her Majesty's Ministers. That, Sir, is one of the heaviest charges which can be preferred against any person holding a public office. It is, I own, perfectly competent and right for any Member of the House to prefer such a charge if he thinks there is ground for so doing; but it is his duty if he does so to specify the grounds upon which he makes it. He ought not in a case of this kind to content himself with vague allegations. What is the language by which the hon. and learned Member thinks proper to excite well-minded persons in Ireland to act contrary to the law? He says the crime and outrage of Ireland is due to my having used language calculated to convey the idea that the second branch of the Upas tree of Protestant ascendancy was to be cut down. That, the hon. and learned Member thinks, has been the cause of threatening letters, of armed parties at night, of extorted oaths, of firing at persons, and of actual murder in Ireland. It is impossible to say, even under the colour of the stalest metaphor ever known, that Protestant ascendancy cannot be put down by legal means without leading to the perpetration of all those crimes. I am quite sure the good sense of the hon. and learned Gentleman will prevent him from repeating any such a statement in this House, and that it is owing to a complete misconception that he has made the statement at all. However, if it is to be argued, let the natural connection be shown between the words and the consequences he imputes; and, by the way, I must say that if his speeches are to be meted by the same measure and followed by the same results which he ascribes to mine, we may expect rebellions and civil war as a consequence of the very speech he has delivered to-night. I do not so estimate it; but to be consistent the hon. and learned Member must. Reference has been made to a slight omission made by my right hon. Friend the Chief Secretary for Ireland with reference to the compensation to be given in certain cases to persons the objects of outrage. It is not proposed to pay this compensation out of the county cess, but out of a fund especially levied for the purpose. The hon. Gentleman will see that the point of his remark will not be applicable to a provision framed in this manner. This error is, of course, the natural consequence of discussing a measure not actually in the hands of Members, and I think both my right hon. Friends the Members for Morpeth and North Lancashire (Sir George Grey and Colonel Wilson-Patten) justly appreciated the situation when they recommended that criticism on the provisions of the Bill should be reserved until the Bill was printed. Of course, the adoption of this course does not pledge hon. Gentlemen to an approval of any of the subsequent stages. The Bill will, I hope, be circulated to-morrow; and, as a measure of this kind requires to be dealt with expeditiously, we propose that the Motion for its second reading should be taken on Monday next, and that it should be afterwards pushed forward with all possible expedition. The hon. Member for Leitrim (Mr. Brady) has animadverted upon my right hon. Friend for declaring that the grand jury would be the party who were to award the compensations. That, Sir, I may say, is a point that is open to re-consideration, inasmuch as much difference of opinion prevails with respect to it. But the option really lies between this duty being discharged by the grand jury and the central Executive. As far as we are concerned I repeat that this is a matter for re-consideration, our sole desire being to frame a measure which shall prove most effective. The hon. Member for Londonderry (Sir Frederick W. Heygate) has given it as his deliberate opinion that, although the state of Ireland calls for repressive measures, it does not call for the suspension of the Habeas Corpus Act. That, Sir, is a measure of the last necessity, to which we may at any time be compelled to resort should circumstances reach such a state as to call for or require it. But, Sir, it is not a measure to be adopted unless under the most stringent necessity. It is one of those strong applications, something like alcohol, which may communicate a sense of comfort at the time, but lays up disease for the future. It ought only to be applied in cases of apprehended outbreak or civil war. It is very easy to say "imprison all persons who are suspected of crimes;" but how can we tell how fast these people may be multiplied, or how fast persons may be found to take the place of those who may be said to be the principal agents and promoters of such crimes? And how, moreover, are you to get over the increasing difficulty from the natural repugnance in the minds of the people of this country to any system which involves the total suppression of the ordinary laws which give security to life and property? These things make it the duty of the Government not to arrive at a fixed resolution under no circumstances to propose the suspension of the Habeas Corpus, but to postpone to the very last the adoption of a remedy so full of objections as well as of difficulty as that undoubtedly would be. But the hon. Member for Donegal (Mr. Conolly) seems to have invented a new description of suspension of the Habeas Corpus Act, for he says—"Only give us, the local magistrates, the power of arresting suspected persons; we know who are the rogues all over the country, and we will put them in prison in no time." The hon. Gentleman really supposes that when the Habeas Corpus Act is suspended it is not the Executive Government alone that is armed with extraordinary powers, but that every one who wrote "J.P." after his name throughout the country is able to imprison at discretion. I have no doubt the hon. Member would exercise that power with all the kindness and temper which distinguishes him in this House; but we should be very scrupulous about giving such a power as that to magistrates, even if the Habeas Corpus Act were suspended. The hon. Member for Londonderry wished for some firm declaration from me with regard to the duty imposed on a Government of preserving peace and order. There is one form of declaration which is more solemn and more authoritative than anything which Ministers can say, and that is a declaration conveyed in the Speech from the Throne. The Speech delivered from the Throne at the commencement of the present Session recognized in the strongest terms the duty the hon. Gentleman thinks we ought to have more largely and frequently declared in our own speeches. I am of opinion that he overrates the effect which is produced by showing a disposition constantly to revert to the use of threats and declarations as to what we may do in certain contingencies, though on certain grave occasions like the present our words ought to be well weighed and the blow ought to come soon and sharply after the words. The hon. Member for Londonderry also said he wished the Government would propose to alter the present law which requires the unanimity of a jury before a conviction. Well, Her Majesty's Government have thought of that very much, and the conclusion at which they arrived was, that it might be a subject well deserving consideration, but that it was not one which it was desirable to treat with reference to Ireland alone, or as one of the provisions of a stringent repressive measure the duration of which will be only temporary. The first and the conclusive reason for not introducing any such provision into a Bill of this nature was that it really would imply a degree of censure and a stigma upon Irish juries which, looking at the history of the last few years, we think would be radically and essentially unjust. If, therefore, the question be a fair one to raise, it is, in our judgment, totally unfit to be associated with a Bill of this description. The hon. Member for the King's County (Sir Patrick O'Brien) spoke of a disposition in this county to get into a panic with reference to matters of this kind; but I must say that we have endeavoured to resist anything like a sentiment of panic. We have thought it our duty to resist the pressure of what might be called public opinion as conveyed through the Press, and we have withheld the proposal just made by my right hon. Friend till the moment arrived when our duty absolutely required us to make it. The pain expressed by my hon. Friend the Member for Leitrim (Mr. Brady) at the introduction of such a Bill as this is a pain in which we must all share; but the question, after all, is whether the measure is required by the circumstances and is adapted to the circumstances. It ought to trespass neither in falling short nor in excess, and the question whether it does trespass in either of those respects can hardly be considered at large on the present occasion; and therefore, although I thought it my duty, in due respect to hon. Members, to notice the particular remarks which have been made in the short discussion this evening, I think hon. Members will be of opinion that a general review of the Bill had better be reserved, as has been suggested by several Gentlemen of weight and authority on both sides of the House, till the measure has been printed and placed in the hands of Members, when, of course, it will be again brought under the consideration of the House.

MR. CALLAN, as an Irish Member who had given an independent support to the present Government, rose to express his dissent from many of the provisions of the Bill as shadowed forth in the speech of the Chief Secretary for Ireland. In particular, he objected to the power proposed to be given to magistrates of convicting and imprisoning for six months all persons found abroad in the night time who were unable to give reasons which the magistrates might deem satisfactory for being absent from their homes. He maintained that such powers ought not to be vested in the hands of the magistrates. The present Government had been fifteen months in power, and more than one person in high office had expressed the opinion that the present state of the magistracy of Ireland was a disgrace to the country, and yet the Government had not taken any steps for revising the list of the magistracy. In his own county, for instance, out of fifty-seven magistrates there were only twelve Roman Catholics, although nine-tenths of the people were of that religion, and five-sixths of the property belonged to them. He objected also to the provision which gave power to the magistrates of Ireland to take up and imprison at discretion any person whom they might choose to suspect; and he warned the Government that if that clause were allowed to pass it would evoke a cry of reprobation from every honest heart in Ireland. He would reserve his remarks as to the proposal respecting the Press until the second reading, merely remarking now that it amounted to an abrogation of all laws on the subject.

MR. HERMON said, that as it was proposed to read this Bill a second time on Monday, he wished to know whether the right hon. Gentleman intended to go into Committee on the Irish Land Bill on that day?

MR. GLADSTONE: Not at an inconvenient hour.

MR. M'CARTHY DOWNING said, in Monaghan, out of sixty-two magistrates, there were only two Roman Catholics, and they were absentees, while the deputy lieutenants were to a man Protestant. He protested against vesting such powers in the hands of the magistracy as the Bill proposed. He also objected to persons who were abroad at night being liable to arrest. As to the Press, he pointed out that Irish juries had hitherto properly discharged their duties when legal proceedings had been taken against newspapers, and in proof of this assertion he need only refer to the prosecutions instituted against the *Nation* and the *Irishman*.

SIR JOHN GRAY said, no Irishman could object to stringent measures being taken for putting an end to crimes and outrages in Ireland, and he, for one, should not oppose any reasonable proposal for attaining that object. He thought, however, that the Bill contained many most unreasonable proposals which the House ought not to sanction, as they had never been heard of in the most repressive Bill ever devised. Where no man was accused the magistrate might seize on any individual, and on his refusal to give general information or proper evidence, he was exposed to the penalty of finding bail or going to prison. That provision seemed to him most objectionable. Another was what was proposed to be done with the Press. Licentious conduct on the part of the Press ought certainly to be put down, but their freedom of discussion ought not to be injured. The Bill did not sufficiently define sedition, but left that duty to the conscience of the Lord Lieutenant, who, at his pleasure, could seize the property of a newspaper, or suppress it altogether, leaving the proprietor to bring an action against the Crown. What chance would an unfortunate proprietor of a newspaper, who might have invested a large sum of money in his establishment, have of recovering damages before a jury against the Crown, with the power which it possessed of changing the venue and rejecting from the jury list any person whom it might please. The proposal relating to the Press, then, was one which, in his opinion, was not consistent with the character of the Government, or one which ought to be adopted by the House. Complaints had been made of the difficulty of securing successful prosecutions against the Press; but in all his experience of Ireland he did not remember one failure of such a prosecution. The prosecutions of the *Nation* and the *Irishman* had been mentioned. In both, juries did their duty by convicting, and if the parties did not receive sufficient punishment that was the fault of the Judge who sentenced them, or of the Government who afterwards remitted the sentences, and allowed men to go free. Had any reasonable argument been advanced which should induce hon. Gentlemen to consent to a Bill not providing for requisite prosecutions before proper tribunals, but giving the Lord Lieutenant liberty, upon mere imagination, to say of any newspaper proprietor—"This man is guilty, and I will bring him to total ruin!" He wished to enter his protest against the portions of the Bill to which he had alluded. So far as the suppression of crime, the protection of property and life, and the provision of ample security for the peace of the country went, he would willingly support the measure, but he would not give his assent to these obnoxious clauses.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he would not enter into the details of the Bill; but inasmuch as it was not to be read a second time till Monday next, and misapprehension as to its scope might arise meanwhile in the minds of the Irish people, he thought it right to say a few words as to the general provisions which the Bill would be found to contain when it came into the hands of hon. Members. Many of the observations made in the course of the debate arose from a misunderstanding of the language used by the right hon. Gentleman who introduced this measure; and therefore he would briefly explain its nature in order to prevent any misconception on the part of hon. Members, or the constituencies of Ireland, whom it was most important to regard in a discussion of this kind. The Bill dealt with Ireland generally, with proclaimed districts, and with districts specially proclaimed by the Lord Lieutenant. It would enact that in proclaimed districts a person having a game licence should not therefore be entitled to carry arms, but must have a licence specially for that purpose. There was a provision for the execution of warrants to search for arms by day or night, and another provision with regard to persons dealing in gunpowder to which he need not now refer. There were also provisions in the Bill with respect to Whiteboy offences, directing that in order to convict in such cases it need not be proved that the country was in a state of insurrection. No hon. Gentleman could object to that. With regard to a clause which had been objected to by the hon. Member for Kilkenny (Sir John Gray), he thought his objection to it would be removed when he understood the real point of the clause. There was, at present, no power to deal with a witness in the way which justice required when there was no defendant, so to speak, before the Court. This Bill only proposed to give the same power to a petty session court to deal with a witness when a crime had been committed, though the accused was not present, as it now had when the accused was before the court. No additional power was granted. There was another provision in the Bill for searching the houses of persons for documents, on an information in writing, which was to be sworn to, and that was a proposal to which he was sure nobody could object. With respect to the arrest of persons under suspicious circumstancse, it was only in the proclaimed districts that that course of proceeding was to be resorted to, where, in addition to the ordinary proclamation, a second had been issued by the Lord Lieutenant, and the House might rest satisfied that the Executive Government would not issue such proclamation unless there were good grounds for doing so. As to the clause relating to the arrest of persons moving about at night under suspicious circumstances, it created no new precedent, inasmuch as it was taken from a previous Bill. The power to arrest strangers was also taken out of a Bill that had worked well in former days, and it would do so now if properly administered. There was one point in the Bill which, no doubt, required considerable attention, and that was the part giving the power of summary jurisdiction. He was asked now to say the magistracy was in a satisfactory state. He would not say that the magistracy of Ireland was in an altogether satisfactory state. Those who knew him would, he ventured to flatter himself, not suppose that he was going to change his nature, and say that which he did not believe to be the case, because he happened to sit on the Treasury Bench. He must, however, maintain that the special provisions with respect to summary jurisdiction were absolutely necessary if the operation of the Bill were to effect any good. It was proposed to give summary jurisdiction to magistrates in the case of persons guilty of Whiteboy offences. Persons found out at night disguised, and with a band of armed men, would receive under that jurisdiction six months' imprisonment with hard labour; and if they did not like that they could get seven years' penal servitude. The summary jurisdiction might also be exercised when a person committed a breach of the Arms Act; but no man could be dealt with in that way unless arms were found upon him or in his house, and the magistrate, instead of sending him to the Assizes to get two years' imprisonment, might sentence him to six months' imprisonment at the petty sessions. That provision only applied to one other class of cases—namely, those under the statute of George III., prohibiting persons from meeting together for the purpose of being trained or drilled to the use of arms. If for such offences they got six months' hard labour, instead of transportation or penal servitude for fourteen years, he thought a boon would be conferred upon them, while, at the same time, the ends of justice would be satisfied. Those were the only instances in which it was proposed by the Bill to suspend trial by jury, and his hon. Friends below the Gangway would, he thought, find that they were more frightened than hurt by its provisions. If these measures were properly administered, with due regard to justice and law, he believed that they would be very beneficial in securing the well-being of the country; for nothing could be more important than rapidity and decision in such matters. When persons were taken in the act of breaking the law they should be punished as speedily as possible, and thus the law would be made a terror, not only to those who broke it, but to others who were inclined to follow their bad example. As to the clauses relating to compensation and some other provisions of the Bill, they could be better discussed when hon. Members had the Bill itself in their hands. He would simply observe, in reference to compensation, that the Government were of opinion that, in providing for it, they could not do better than follow the 106th section of the Grand Jury Act, which enabled compensation to be given by the grand jury. It was true there were some persons who, like his hon. Friend the Member for Leitrim (Mr. Brady), seemed to have no particular partiality to a grand jury; but it was a constitutional body, composed of country gentlemen, who were well acquainted with the locality with which they had to deal, and who possessed the requisite knowledge to enable them to arrive at a sound decision in the cases of the kind. If the Government had not given the power in question to the grand juries, they must have committed it to the hands of the Central or Executive Government, and if they had done so the Bill would have been objected to as tending to centralization. The hon. Member for Kilkenny (Sir John Gray) very naturally felt an interest in that part of the measure applying to the Press, for he was a distinguished member of the Press, though there was not very much chance, he thought, of the journal with which he was connected coming under the operation of the Bill. It was said, why not prosecute the seditious Press? The reply was, in addition to the difficulty of being certain of a conviction the paper continued to be published, and this was a serious matter to consider. But nothing could be more important in a country like Ireland than to prevent newspapers making capital out of the prosecutions instituted against them. Hitherto, speeches of counsel, denouncing the proceeding of the Crown, had appeared in large type in the very newspaper against which the prosecution was directed. The provisions of the Bill would apply to newspapers teaching sedition; and, with all respect to his hon. Friend, he must say that the people of Ireland knew very well what was treason and what was sedition. There was not a man in Ireland who could not give a definition of either the one or the other sufficient for all practical purposes. He thought the House would agree with the Government that if any newspaper taught treason or sedition, or published to an excitable population incitements to such offences, it was just that its property should be forfeited to the Crown, and seized immediately. The evil would thus be nipped in the bud; but if any person felt himself aggrieved at these proceedings he might maintain his action in one of the superior courts of common law, and the burden would be cast upon the Crown of proving that the newspaper was traitorous or seditious, or contained incentives to murder. It was necessary to reverse the ordinary course of proceeding in order to stop the rapid growth of an evil which, if not prevented, would sap the foundations of society, not only in Ireland, but in England. He asked hon. Members to suspend their judgment on the Bill until they read it, and then they might calmly consider its provisions in Committee. He was satisfied that every hon. Member who represented an Irish constituency would agree with him that the Government were animated by the most kind and considerate views with respect to Ireland. It had pained every Member of the Government to be obliged to introduce such a Bill, and he could say unfeignedly, that it had pained him above measure, to be compelled to inaugurate his career as a Law Officer of the Crown, by having anything to do with a measure of coercion—seeming or real—for Ireland. But he believed it was a measure of real kindness, for the sooner the Irish people were made to understand that they must obey the law, and that it would protect right and punish wrong, the better it would be for Ireland and the Empire at large.

Motion *agreed to.*

Bill relating to the Preservation of Peace in Ireland, *ordered* to be brought in by Mr. Chichester Fortescue, Mr. Secretary Bruce, and Mr. Solicitor General for Ireland.

Bill *presented,* and read the first time. [Bill 75.]

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVAL RETIREMENT.—RESOLUTION.

Lord HENRY LENNOX rose to move—

> "That it is inexpedient to retire Flag Officers from the active list of the Navy for any other cause but age or physical infirmity, and thus add to the public charge."

He wished to call the attention of the House to the case of some officers, and to the position in which they would be placed under the operation of the new scheme propounded by the First Lord of the Admiralty; but he begged to assure the right hon. Gentleman that he had no wish to be a party to the overthrowing of the scheme in its entirety. All he wished was to see such a modification introduced into the scheme as would keep faith with distinguished officers, with whom faith would otherwise be broken, and as would prevent the country from being deprived of the services of very valuable officers, should an emergency arise in which they might be required. The right hon. Gentleman had taken pains to prove that the time had arrived when a fresh scheme of naval retirement was necessary, and every one who took any interest in the naval service admitted that much, and agreed that the naval lists were overcrowded, and that the time had come when some measure of relief should be afforded. The list had been overcrowded ever since the close of the Great War in 1815; and measures of relief had been carried into effect on four or five separate occasions by subsequent Orders in Council. His hon. and gallant Friend the Member for Stamford (Sir John Hay), in 1863, brought forward a document, signed by 1,200 officers of the superior grades of the Navy, praying for a fresh retirement scheme, and praying that the principle should be adopted of extending the compulsory retirement for age to those officers who had hoisted their flags. His hon. and gallant Friend laid the scheme before the Duke of Somerset, who was then the First Lord of the Admiralty; but it did not meet with that success which might have been supposed. A Select Committee was then appointed, presided over by the right hon. Member for Midhurst (Mr. Walpole), and they agreed with his hon. and gallant Friend (Sir John Hay) that some scheme of retirement was necessary, although they differed from him in regard to some of the details. While the right hon. Gentleman the present First Lord of the Admiralty did right in proposing a new retirement scheme, he had fallen into the same error with regard to retirement which he had fallen into in almost every other change he had made since he accepted Office. Finding that there was a grievance in one direction, the right hon. Gentleman went too far in the adverse direction to find the remedy. There were at present too many officers in the various grades of the Navy, who clogged the list; but if the right hon. Gentleman's scheme were adopted, it would be found, according to all the great authorities, that there would then be too few. This was especially true of the lieutenants, whose case he should leave in the hands of his right hon. Friend (Mr. Corry). At the same time, there was much in the right hon. Gentleman's plan which he approved. No one would grumble that he should deal with the want of uniformity in principle and scale of the retired list. The increased scale applied to warrant officers deserved approval. He also approved the pensions to the widows of warrant officers; and to those widows who, after the death of a second husband, were now to receive a pension according to the services of their first husband. The increased pay to the Engineers was only an act of justice to these important members of the service; and he also concurred in the principle of compulsory retirement for age in the case of flag officers. He regretted very much that the right hon. Gentleman had excluded from his scheme that description of service which, instead of being a disadvantage to an officer when he arrived at a distinguished post of command, in point of fact, admirably fitted him for the special duties which would then be entrusted to him. Was it wise, or right, or just, to exclude from the scheme the services performed in the Admiralty Department at Whitehall? If it decided this question in the affirmative, it must go one step further, and consider whether it would not be a breach of faith to officers under the Order of Council in 1866, which gave to officers of flag rank the same privileges that attached to Admiralty rank. The House would do well to inquire how Admiralty service had been regarded throughout the Navy during past years. It had always been considered the one great prize of naval officers in time of peace, because no higher honour could be hoped for than to assist in administering the affairs of the service to which they belonged. What was the course of training which a naval officer received at the Admiralty? It enabled him to take a larger view of public affairs, to become acquainted with the origin and growth of all those great questions which sometimes troubled the political atmosphere with wars and rumours of wars, and to gain a knowledge of diplomacy which, when he was called upon to take a high command, enabled him to exercise his discretion, and to use his fleet in such a way as to save us from unnecessary hostilities. A period of service at the Admiralty was eminently calculated to endow the commander-in-chief of a foreign squadron in times of political differences with those qualities which conduce to the preservation of peace. The question was, how this exclusion would operate in future? If it had been in operation in past years, it would have deprived this country of some of the most eminent names that adorned the naval roll of England, and it would now wipe off the roll some of those who had well served their country. Being a civilian, and having no personal interest in the matter, he had taken some little trouble in looking up the names of those who would have been lost to the service if the new rule of retirement after ten years had elapsed without hoisting their flag had been in existence. Sir Thomas Cochrane, the Admiral of the Fleet, was paid off his ship in 1824, and not re-employed in the service until 1842, during which time he was Governor of Newfoundland and a Member of that House. He was selected as second, and finally as first, in command during the China and Borneo Wars, in which he served with great distinction, and he was subsequently Commander-in-Chief at Portsmouth. According to the present scheme, Sir Thomas Cochrane would have been struck off in 1835, before he was summoned to China. The next case he would name was that of Sir Baldwin Walker, who was Surveyor of the Navy from 1848 till 1862, when he was sent off to take the command at the Cape, and who was subsequently at the Nore. No doubt many hon. Members would remember the excitement caused by the unsuccessful attempt of his gallant relative, Lord Clarence Paget, the Secretary to the Admiralty, to catch Sir Baldwin Walker on a trip in which he was in command of a vessel superior in point of speed. Had this rule been in force Sir Baldwin Walker, having been Surveyor to the Navy from 1848 to 1862, would have been ineligible to command at the Cape and at the Nore. There were some cases bearing on what he had already said as to special training at the Admiralty; and the first officer he would name was the late Sir George Seymour, a gallant relative of his and a noble officer. Sir George Seymour, when a captain in the Navy, was, in 1819, made Serjeant-at-Arms in the House of Lords. In 1827 he took temporary command of the *Briton* on a special mission to St. Petersburg. On his return he was Master of the Robes to William IV., from 1830 to 1837. In 1841 he was made a Lord of the Admiralty; in 1844 he went to the Pacific; in 1851 he was on the North American and West Indian station; and, lastly, he was at Portsmouth. Yet under this scheme Sir George Seymour would have ceased to belong to the Navy in 1841. What the results of his training were, and what were the services he had rendered, were stated in an obituary notice in *The Times*, which said—

> "This distinguished officer's services extended over many of the most stormy times of England's naval history, during the wars with France at the end of the last and beginning of the present century. In later times his services in the Pacific were of a very high order. Our relations with France had become of a very precarious nature, in consequence of the misunderstanding which grew out of the Pritchard affair. These difficulties were mainly adjusted through the careful management of Sir George Seymour. So, again, in the arduous negotiations we were carrying on with the United States relative to the fishery question, that these were brought to a satisfactory conclusion was owing to the tact, ability, and decision shown by Sir George, and borne witness to by the two Foreign Secretaries, and Sir James Graham gave a good service pension."

Had the will of the right hon. Gentleman been in force, all this tact, ability, and decision, which saved us from a war with the United States, would have been lost to the country. The cases of Sir Edmund Lyons and Sir Alexander Milne were of a similar character. Sir Edmund Lyons was paid off Her Majesty's ship *Madagascar* in 1835; in 1836 he was appointed Minister in Greece; he remained in that service until 1852, when he was, by the unanimous voice of Parliament, called to be second in command of the Black Sea Fleet, and the result was amply justified, for he received the thanks of Parliament in conjunction with Lord Dundas. Sir Alexander Milne, a gallant friend of his own, was actually taken out of his ship, the *St. Vincent*, to serve at the Admiralty, where he remained from 1847 to 1859, all through the Crimean War. He then took command of the North American station, and while he was there the war in the United States broke out, the *Trent* affair occurred, and he showed so much tact and discretion in the delicate circumstances in which he was placed that, when the term of his command came to an end, in accordance with the general wish, it was extended for another year, until the cessation of hostilities averted the chance of a collision between this country and the United States. Then he joined the late Board of Admiralty, and he was selected by the right hon. Gentleman opposite (Mr. Childers) for the Mediterranean command. Under the new scheme Sir Alexander Milne would have been retired in 1867. Sir William Parker paid off the frigate *Amazon* in 1814, and was not again employed until 1827. In 1841 he commanded in chief in the war with China, which he brought to a successful conclusion. He was subsequently continued a double length of command for seven years by successive Ministers during the revolutionary period. Under the new regulation he would have been removed in 1841. Sir Josias Rowley and Sir Pulteney Malcolm were also selected in dangerous times for command in the Mediterranean. In the American Navy one of the most distinguished admirals of modern times—Admiral Farragut, who achieved such successes in the war between the Northern and Confederate States—was for ten years ashore, discharging the duties of a civil appointment. He did not think it was fair to exclude officers of such distinction from offering their services; if we did not have such officers at the Board of Admiralty, we should have retired officers of less efficiency. He certainly did not think that, in these times at all events, it would be wise policy to weaken the naval element at Whitehall; on the contrary, he should like to see greater weight given to the views of the naval adviser; and therefore he did not wish the House to pass any scheme which would tend to make it impracticable and unadvisable that first-class officers should serve there, and would leave those who had the least power to raise their voices in defence of the interests of the service to which they belonged. Sir Frederick Grey was one of the two officers with whom he had official connection, and the only one with whom he had political sympathy; and the cases of the two officers were in other hands. The case of Sir Spencer Robinson, Controller of the Navy, was a strong one. In 1866 a new Order in Council for the retirement of flag officers was introduced by Lord Clarence Paget; it was discussed in the House, and on a division it was affirmed that the Controller of the Navy should be exempted from the operation of the Order. In that debate Lord Clarence Paget said—

> "The only able officers exempted were those who had served at the Admiralty or discharged duties in connection with the government of the Navy. Of these the number affected was very few, for nearly all had hoisted, or would hoist their flags. As regards the Controller of the Navy, nobody could say that the duties which he discharged were not equal in importance to those of any officer with his flag hoisted."—[3 *Hansard*, clxxxii. 556.]

In this he entirely agreed; the duties performed by the Controller had been onerous, and had been performed with great advantage to the State; and he should greatly regret that by this Order the Controller should be driven from his profession. The decision of the House affirmed the principle which it was now sought to overthrow—namely, that exemption from retirement at the age of seventy should be extended to those officers who had hoisted their flag, and also to those who had served at the Admiralty. The list of officers to whom he wished to allude ended with his hon. and gallant Friend the Member for Stamford (Sir John Hay), who was one of those hit by the new Order. He had served on every station except that of Australia; he was at sea from 1834 to 1850 on the West Africa, the Syria, and the China stations; he served in the Russian War from 1854 to 1856; he was in North America from 1856 to 1858; in 1860, at the request of the late First Lord of the Admiralty the Duke of Somerset, he undertook the laborious task of presiding over the inquiry into the affairs of Greenwich Hospital, which had borne so much fruit in the management of that establishment; from 1861 to 1864 he was Chairman of the Iron-plate Committee; afterwards he was two years at the Admiralty, from 1866 to 1868; and then he asked for a command afloat, which was not granted because his services at home were valued too highly. The hon. and gallant Gentleman got his flag rank a few days after the Order in Council of 1866, which guaranteed to him that he should not, except from physical unfitness, be called upon to retire from the Navy before the age of sixty-five; yet, after the lapse of four years, and at the age of forty-nine, his hon. and gallant Friend was hit by this scheme and had to retire. He could not help thinking that the First Lord of the Admiralty, on a consideration of these cases, would see whether anything could be done to avoid that which in the eyes of the country would be regarded as a gross breach of faith. By the Order in Council of 1866, no flag officer was liable to retire compulsorily at the age of seventy unless he had hoisted his flag, or had served at the Admiralty. Under that rule many gallant officers had passed the age of seventy and had become Admirals of the Fleet, popularly known as "field-marshals of the Navy." Four years afterwards the right hon. Gentleman said all these officers who had been unconsciously risking their position on the list should take their choice between the new regulation forcing them to retire at sixty-five and the old regulation subject to modification. He had no personal interest in the matter; but he entreated the right hon. Gentleman to pause before he carried out a scheme which would certainly have the worst effect on the minds of those engaged in the service, for they would regard it as a gross breach of faith. From communications which he had received, he was convinced that the execution of the scheme would shake the confidence of the profession in the administration of the right hon. Gentleman at the head of the Admiralty. With regard to the case of the captains, there would be opportunity for discussion when the House went into Committee of Supply; but he must remark that had such an Order of Council been in existence in former days Sir Charles Napier would have been cut short prematurely in his career, and Nelson's name would have been wiped out of the *Navy List* before he fought those battles which made his name so glorious. The First Lord of the Admiralty took credit for the great secresy with which this scheme had been concocted; but a scheme so extensive, and grappling with so many subjects, ought to have been the work of many counsellors, and he should like to know who were the naval officers consulted in the preparation of this scheme?

He should like to ask whether his gallant Friend Sir Sydney Dacres was one of those who drew up the scheme, or whether Sir Spencer Robinson had anything to do with it? The right hon. Gentleman in his speech gave great credit to Lord Camperdown for the labours the noble Lord had bestowed on this subject. The noble Lord certainly showed most extraordinary powers of inquiry. Although the noble Lord had never taken great interest in any of these multifarious subjects, it was perfectly marvellous that so young a man should have amassed so much information on the subject committed to his charge; for the noble Lord had not only been inquiring into the victualling yards, and arranged a scheme for the promotion of the Navy —a subject which had baffled so many naval advisers for many years—but he had been down to Scotland and inquired into the Scotch office and Scotch business generally, and altogether the number of the inquiries showed unwearied zeal on the part of the noble Lord. [*Cheers.*] Hon. Gentlemen who cheered would agree with him that, for so young a man, the result of the noble Lord's deliberations would have commanded more respect if the noble Lord had confined his attention to one subject instead of so many. He regretted the hurry exhibited by the right hon. Gentleman in bringing forward a scheme so vast and affecting so many officers, who had not sufficient time allowed them to make up their minds as to the step which they should take, and which would be one for good or evil in their career. He did not attribute to the right hon. Gentleman anything but a desire to promote the efficiency of the Navy, and he felt sure that no party feeling had been allowed to have any weight in the matter; for he could not conceive that anyone administering the affairs of the noble profession of the Navy would ever allow himself to be swayed by party feeling in the discharge of his functions; but he again impressed on the right hon. Gentleman the propriety of reconsidering this matter, and of looking at it in the light of its being a breach of faith towards distinguished officers. He feared that in future, if this country should ever be at war, the policy of the right hon. Gentleman would be found fraught with danger to the State, and with the greatest inconvenience to the public service. He concluded by moving, as an Amendment to the Motion for going into Committee of Supply, the Resolution of which he had given notice.

MR. WHITBREAD seconded the Resolution. He admitted that the terms of the proposal of the right hon. Gentleman at the head of the Admiralty were extremely liberal and would be welcomed by many officers, and it was only to a part of the incidence of the scheme that he wished to draw attention. He did not see what the country gained by causing flag officers to retire, because better terms were given to induce them to go. The way to effect economy, so far as pay was concerned, would be to stop the entries. When once officers had entered the service it would never be tolerated that they should be turned adrift. By retiring a flag officer feelings were often wounded which it should be a study to respect. His objections to this scheme were most particularly directed to the regulation which said that officers who had not served afloat for ten years should be compulsorily retired, and that service at the Board of Admiralty was not to be counted as sea service. He thought this would work mischievously. In the case of an officer who had not served afloat for nine years, the greatest pressure would be brought to bear upon the Admiralty in order to procure for him an appointment afloat, and the Admiralty might, in consequence, appoint him in preference to another officer, better qualified. With regard to the Board of Admiralty, how would the ten years' rule operate? Either those officers only who had lost their ambition to serve afloat would enter the Board, or the Board would be looked on as a mere channel to procure employment. If it happened that men went to the Board of Admiralty when they had lost all ambition to serve afloat, the result would be the repetition of the old cry that the Admiralty was governed by a set of effete admirals, not up to their work. He should now take the case of the flag officers close to the First Lord. His right hon. Friend at the head of the Admiralty said it was not a good thing to have officers too long at the Board. He agreed with him; but that principle might be carried too far. It would not be a good thing to have those officers come or go too often. The consequences of such frequent changes would be contradictory opinions and conflicting arrangements. It might be suggested that in order to enable those officers to remain in the service the First Lord might send them to hoist their flag for a couple of days; but the great hardship of the new rule was in its retrospective effect. Before 1866 it never had been distinctly laid down that service at the Admiralty was service afloat, because the matter had never been called in question; but when the compulsory retirement came, an Order in Council distinctly laid down that service with the Admiralty should count as if the flag officer were afloat. That Order was swept away by the Order in Council which his right hon. Friend had just passed. Service at the Admiralty no longer counted as service afloat, or, in other words, the very centre of the Navy was the only place where service in the Navy was not to count. His noble Friend (Lord Henry Lennox) had referred to the case of Sir Baldwin Walker. Even supposing that the Naval Lord might be changed frequently, would anyone say that the Controller of the Navy ought to be changed every two years? Would his right hon. Friend say that the duties of the Controller could be learnt in a few days or a few hours? Why years must be spent by him in the office before the Controller was up to his duties and became master of the details of his gigantic department. He might observe that in the active chase set on foot by the right hon. Baronet opposite (Sir John Pakington), he believed that gallant officer was very near being run ashore on the cost of France, because Sir Baldwin was as anxious to escape as the right hon. Baronet was to catch him. Admiral Robinson succeeded him and served with the Duke of Somerset, the right hon. Gentleman the Member for Tyrone (Mr. Corry), and his right hon. Friend the present First Lord. His right hon. Friend recognized the importance of the office of Controller, because in a Memorandum which he issued in 1868 he referred to it in the most flattering terms, and proposed to make him a member of the Board by fusing the duties of Controller and those of Second Naval Lord. The Memorandum stated that the dockyards, steam reserves, the inspectors of the steam departments, gunnery, and the stores department were to be under the Controller and First Lord, whose salary was to be increased £500 a year. Connected with this matter there was what appeared to him a touch of bitter irony, of which he had supposed his right hon. Friend incapable. At Christmas, 1868, the Controller was taken into the Board, and his office was magnified; but at Christmas, 1869, he was struck off the list. To anyone who knew anything about naval affairs, could it seem right that the service of superintendents of dockyards should be counted as service afloat, while that of the Controller, who superintended those superintendents, was not to be so counted? He remembered words used by Lord Clarence Paget in reference to the Order in Council of 1866. Lord Clarence said—

> "As to the Controller of the Navy, no one will say the duties he performs are not equal to those of any officer serving with his flag."

He concurred with the opinion expressed in those words. He now came to the case of Admiral Eden, an officer well known to a great many Members of that House, and who had served long and efficiently. He had seen a great deal of active service, for during the forty-eight years he had been in the Navy he had served over forty years. More than once Admiral Eden had been at the Admiralty, and he was sure his right hon. Friend would bear testimony to the value of his services there. He had been taken from active service to go to the Admiralty on the first occasion of his appointment, and he was over the Coastguard when the Duke of Somerset took him to the Admiralty, where he continued for seven years. Was that service to be made penal? Was it to strike Admiral Eden off the list? This was all the harder, because, while he was at the Admiralty, the gallant Admiral might have availed himself of many opportunities of going on active service; but he remained at the Admiralty, because he believed it was the wish of the First Lord that he should do so. He would allude to one other case—that of Sir Frederick Grey. He was called to the Admiralty in 1861, immediately on his return from service at the Cape, where he had served for five years; but his time at the Admiralty not being allowed to count, he would have to retire in September next. If he were allowed to remain in the service for a short time beyond that period, the probability was that he would become Admiral of the Fleet. It might be said that these higher distinctions were not of much value; but that was a great mistake. They were highly valued, and they were looked forward to with peculiar interest by men who had nearly reached them after long years of service, because they shed a ray of light on the close of an honourable career. Unless on very good grounds, they ought not to be snatched from men who had all but reached them. One rule ought to be adopted towards all public servants, but especially towards those who, like officers in the Navy, had not a very high scale of remuneration. He had often heard it said, on both sides of the House, that the pay of flag officers in the Navy was scarcely sufficient or scarcely worthy of a great country. The rule he referred to was that of keeping good faith. He was reluctantly compelled to say that, in his opinion, good faith had not been kept with the class of officers whose case was now under discussion. He regretted to criticize any part of the conduct of his right hon. Friend, because there was so much in it which did him credit, and for which no doubt the country gave him great praise. He should not like the House to have to come to a vote on the Amendment of the noble Lord, because the question was so very intricate and difficult that scarcely anyone could understand it except those who had been on the subject for years; but he would suggest that if his right hon. Friend was not prepared to give effect to the wishes which had been expressed in this discussion, he might afford the House an opportunity of having the matter looked into by a Committee, in order that if it should be established that a hardship had been done to flag officers by the proposed regulation an effort might be made to effect the necessary reforms without the infliction of that hardship.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to retire Flag Officers from the active list of the Navy for any other cause but age or physical infirmity, and thus add to the public charge,"—(*Lord Henry Lennox,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. Whitbread

MR. CORRY said, the question had been so ably handled by his noble Friend near him (Lord Henry Lennox) and his hon. Friend who had just sat down that he would say only a few words. He entirely concurred in the greater part of the opinions they had expressed in so forcible a manner. He was one of those who had always been opposed to the compulsory retirement of flag officers. There was a good reason for removing officers too old for service from the captains' list, because if the top of that list was encumbered with old officers the result would be the promotion of old men to the flag; but he agreed with the Duke of Somerset, who stated to the Committee of 1863—

> "As long as the country can have the services of a sufficient number of admirals fit for command, on what list they are is of very little importance."

It was immaterial how old the officers at the top of the flag list might be, provided it contained a sufficient number of active officers to meet the requirements of the service. With regard to the gallant admirals who would be affected by this scheme, it was his duty a few weeks ago to criticize, perhaps with a little severity, the actions of the Controller of the Navy respecting some transactions in his department; but he could bear testimony to the great efficiency of that officer, who was a man of great ability, and had presided over his department very much to the advantage of the public service. It appeared ridiculous that the rule should apply to an officer in such a position, whose functions had reference to every part of a ship—not only the building, but the rigging, the masting, the armament, and other matters—and who could learn much more in the execution of his duties than in superintending a dockyard. To compare the nautical knowledge acquired by an officer as Controller of the Navy, and as superintendent of, say Pembroke Dockyard, where a ship in commission was hardly ever seen, was so absurd that the comparison could not be entertained for a moment. He felt the greatest respect for two gallant officers who had been mentioned—Sir Frederick Grey and Admiral Eden—and considered that to compel them to retire was a breach of faith towards them after the arrangement which was come to, on the faith of an Order in Council, in 1866. They had both served long and well, and were excellent officers. The case of his gallant Friend and late Colleague at the Admiralty (Sir John Hay) was a remarkably hard one; and he (Mr. Corry) felt it the more, because it was owing to him that his gallant Friend was among those officers who were on the list to be compulsorily retired. His principal object in having risen was to confirm what had been said on that subject. In 1868 his hon. and gallant Friend applied to him to give him a command; but he (Mr. Corry) told him that, although he should be glad to meet any wish of his, his services at the Admiralty and in the House were so valuable that he hoped he would not press his request. Upon this he was good enough to say that he would remain at the Admiralty, and therefore it was his (Mr. Corry's) fault that he was now to be made a retired rear-admiral at the age of forty-nine. It was really ridiculous. Did his hon. and gallant Friend look like an effete admiral no longer fit for service? The scheme of the First Lord seemed to him to offer a premium for the retirement of the best officers in the Navy. What could be more absurd than to invite rear-admirals to retire at the age of fifty-five. Most men were as fit for work in such a rank at fifty-five as thirty-five; but this scheme offered a premium to rear-admirals to retire at fifty-five, just when their services would be most valuable, when they had physical energy in conjuntion with experience. It was also preposterous to say that captains, physically and mentally fit for service, should be allowed to retire at fifty; but the most absurd of all was the proposition as to the retirement of admirals of the fleet, as if an active officer was wanted in that position. Who ever heard of an admiral of the fleet being employed on active service? Would a similar scheme be tolerated if applied to the sister service? What would have been thought if the Duke of Wellington had been placed upon the shelf at seventy? He could not understand why there should be different measures of justice for the Navy and for the Army. His hon. and gallant Friend (Sir John Hay) had had special duties to perform at the Admiralty, and he was thereby extremely well qualified to be an admiral on active service. For several years his gallant Friend was at the head of the Iron-plate Committee, which inquired into all questions concerning the armour-plating and the armament of ships, and had given him information which would be most useful in an officer serving in a fleet. He hoped that the Motion would not be pressed, and that the subject, as had been suggested, would be referred to a Select Committee. It was one of great importance to the interests of the Navy. If the First Lord of the Admiralty would consent to that course being taken he would show a consideration towards the service which would be highly appreciated.

ADMIRAL ERSKINE considered the scheme of the First Lord as the most sweeping measure that had ever been introduced by any Government with regard to officers employed in the profession of arms. The principle on which this plan was founded was totally unintelligible. It professed to draw a clear line between those who were fit for active service and those who were unfit; but the conditions of retirement were dissimilar and opposed to each other. It was proposed that officers reaching flag rank at the age of sixty should be obliged to retire; but officers who had been in command at such a period that they must now be seventy-five years old, were to be permitted to continue on the list of admirals for active service. He understood that the object of retaining those gallant officers was to save them from humiliation or slight; and he was glad that some consideration was shown to the feelings of those veterans whom they had learnt to reverence, and to whose post it had hitherto been a laudable ambition to aspire. But while the First Lord of the Admiralty was saving them from a slight he was inflicting one upon their younger brethren, who were to be compulsorily retired at an age when they had not reached the extreme limit of efficiency. He felt the great hardship which would be inflicted on those officers who had served at the Admiralty, especially Sir Spencer Robinson, whose abilities and acquirements well qualified him for the position he was to hold no longer. Passing, however, from personal matters, he wished to consider the scheme in a financial point of view, and here its difficulties appeared to increase. Why could not the present list be increased, and why was promotion stopped? It was said that the country objected to paying for a long list of useless officers;

but how was it proposed to remedy that state of things? Taxpayers would find that their old enemies disappeared from one part of the *Navy List*, but re-appeared in another, with a much larger income. There were at present on the active list ninety-five flag officers, and 224 on the retired list. By the scheme of the First Lord the active list would be reduced in number to fifty, and the retired list increased to 269—the total, therefore, still remained at 319. The only change effected was the retirement of forty-five officers upon increased pensions. It was, however, hoped that fifty-five flag officers might be induced to accept the scheme of retirement, which would increase the total number by ten, and that was called an economy. The number on the active list of captains was 292, and on the retired list 404, and the change would reduce the active list to 150, and increase the retired list to 546. He could hardly think that the House would consent to a scheme of retirement such as this. An analogous case of economy would be this—that the Secretary to the Admiralty should dispose of his stock of preserved meats and pickles, of which he told us lately he had so large a surplus, by hiring a store at a very large expense to put them in, and then boast that he had effected a great economy. In fact, we had a retired list already; the Admiralty did not actively employ officers whose age or infirmities unfitted them for service, and his right hon. Friend was merely asking to be relieved from a responsibility in connection with the selection of naval officers from which he ought not to be exempted. For himself, he greatly doubted whether age was the best test, or any test at all, of inefficiency. Many men at sixty or sixty-five were certainly better fitted for service than others at fifty or fifty-five; and it was a most impolitic measure to endeavour to stamp out that laudable ambition and honourable spirit which ought to be the moving principle of the profession of arms. What would the members of any other profession say if told that they must take leave of hope and fortune at the age of sixty? What would the lawyer say if at that period he were to be cut off from all hope of reaching the Woolsack? Or, again, what would be thought of a proposal that our statesmen, at an age when they were often in their prime, should relinquish all further ambition and be content with the few hundreds a year which were deemed sufficient to compensate the officers at the head of a gallant profession? But was age really always a disqualification for naval command? Had the late Lord Dundonald—one of the very greatest seamen this country ever produced—been placed in command of our Baltic Fleet in 1856, in all probability the complaints of the inactivity of that fleet would never have been heard of in this country. It was believed in the Navy that in the interview with Sir James Graham, at which that gallant veteran—then in his eightieth year—offered his services to the Admiralty, he was so energetic, and maintained his position with such vigour, that an inkstand placed betwen him and the First Lord fell a victim to his earnestness, and that Sir James Graham was so alarmed at this little incident that he proceeded to select a gallant officer, much his junior, to whom the fleet might be more prudently intrusted. In conclusion, he apprehended that the sweeping and not most complimentary scheme of retirement was addressed in some degree to the pecuniary necessities of many of his brother officers, whose poverty and not their will might in many cases force them to consent to it; and he trusted that before the discussion closed the House would be favoured with the opinions entertained on the subject by some of the naval advisers of his right hon. Friend the First Lord.

Mr. CHILDERS: I confess, Sir, that I rise to speak on this question with considerable difficulty. At the same time, I am most anxious that the House, early in the debate, should understand clearly what it is that is in discussion between myself and my noble Friend who moved the Amendment (Lord Henry Lennox), and what is the nature of this question in connection with retirement in the Navy, as to which all those who have preceded me have stated to the House certain classes of objections. I say, in the first place, that I feel some hesitation in speaking thus early in the debate, or, indeed, at all on this particular subject, because almost every gentleman whose name has been brought before the House as being aggrieved by a particular part of this scheme is either a personal friend of my own or a gentleman whom it cannot but be most disagreeable to me to have to put—as we have heard to-night—in a position in which he regrets to find himself. Therefore, on that ground, I own I feel some pain in the remarks that I have now to make; and, moreover, I am placed in some difficulty because my noble Friend, having put on the Paper a Motion with reference to one particular part of this scheme of retirement—the whole of which would more naturally be discussed in Committee, when each portion of it would be brought under the notice of the House in turn, and I should have an opportunity of explaining it—my noble Friend, and those who followed him, have launched into half-a-dozen other parts of the scheme; and I shall therefore be obliged, in the single address I shall offer to the House, to defend, not that one part of the scheme particularly, but its whole character and details as far as they have been touched upon by previous speakers. I will, however, do my best to place before the House the case of naval retirement as affected by the present plan and by those plans which have preceded it, and also to state, as well as I can, the specific reasons for which I invite the House to negative my noble Friend's Amendment. The case as to naval retirement, in a few words is this—I will not go back before the year 1860, before the Government of Lord Palmerston and the Admiralty of the Duke of Somerset; but from 1860, down to the present time, there has been a succession of endeavours to put pay, promotion, and retirement in the Navy upon a satisfactory footing. And I will undertake to say that, although different schemes have been proposed by different individuals, by a Committee of this House, and have been made the subject of three or four successive Orders in Council, ending with the Order in Council of 1866, up to the present moment it is admitted universally in the Navy, and almost universally outside of the Navy, that this most difficult question of promotion and retirement has not been satisfactorily settled; that all these various schemes have, as it were, merely scratched the ground or gone but little further, and that a thorough and sweeping measure is necessary to accommodate promotion and retirement in the Navy to the requirements of the present time. I do not think my hon. Friends who have preceded me will dispute that. My right hon. Friend the Member for Tyrone (Mr. Corry) almost said so in the course of his speech just now; and I know that is the view of the Duke of Somerset, who, when I some months ago took this important subject in hand, advised me strongly not to do any small matters, as was done by the Orders in Council ending with that of 1866, but to frame a thorough, comprehensive scheme, which should, if possible, set this difficult question at rest. Reverting to the Orders in Council, beginning with that of 1860 and ending with that of 1866, their tendency was one and all the same. They found very large lists of naval officers, from the flag officers down to the lieutenants; they found a very imperfect system of retirement; they endeavoured to effect casual and temporary alleviations of the existing state of things, and aimed at providing more or less efficient remedies for the future. There were introduced, one after another, moderate amounts of retirement in each list; there was no very great system in these efforts, but their object was uniformly the same—namely, in some way or another to clear the lists of the enormous encumbrance upon them, and to provide more satisfactory inducements to officers of different ranks to leave the active and go upon the retired list. I come now to the Order in Council of 1866, which has been spoken of by the noble Lord and others who followed him as if it were a kind of charter, giving certain rights to officers of different ranks, with which the present plan interferes. Now, what was the Order in Council of 1866 as bearing on this matter? It affected, if I remember rightly, all ranks of the military branch of the Navy, commencing with the flag officers, and going down to the captains, commanders, and lieutenants. And as to flag officers, what did it do? We have heard a good deal to-night about the vested interests of gallant officers who had certain expectations of which it is now sought to deprive them. The Order of 1866 swept away altogether, at once and without compensation, large rights which upon the grounds stated to-night were possessed by a considerable number of naval officers. Up to 1866 any officer who became a captain and served five years as captain, was entitled to be promoted on the active list up to the rank of full admiral. The Order of 1866 took away that right altogether. I will not now go into details as to the manner in which it affected captains. But with respect to flag officers, who form the subject of the present debate, the Order of 1866 said this—"You are upon the active list. You are at present entitled to remain on the active list, whatever your age, until you reach the flag list. This Order, for the first time, compulsorily retires you at a certain age. If you have acquired certain rights by service; you will be given an option in the matter, but if you have not, this Order distinctly takes away your right to remain on the active list, and retires you altogether without giving you any option as to a pecuniary arrangement, or any better terms of retirement than the half-pay." Let me remind the House what happened when this scheme was before Parliament in 1866, and a vote was taken upon it. The Order, with respect to flag officers, said this—"The only exception to the general provision for compulsory retirement at certain ages shall be to present flag officers, if they have hoisted their flags or served at the Admiralty." But what was the cry of this House, which all but shipwrecked the Order and negatived the vote?—for the vote was carried by a very narrow majority indeed. The cry was from both sides of the House—not from one side merely, but from both sides—"Why make this exception in favour of service at the Admiralty?" and no one urged that objection more strongly, or more clearly, than my hon. and gallant Friend who has just spoken, and my right hon. Friend the Member for Droitwich (Sir John Pakington), who, I have no doubt, will speak in the debate. My right hon. Friend said if this system was to be carried out it should be carried out thoroughly and impartially, and there should be no exemptions of any kind. He could not understand on what principle his hon. Friend proposed an exemption in favour of officers who had the good fortune to serve at the Admiralty. And my hon. and gallant Friend asked, "Why was an exception to be made in favour of officers who had served at the Admiralty?"

Admiral ERSKINE said, he objected to the whole principle of retirement, and also to the ages proposed.

Sir John Pakington made a remark across the table.

Mr. CHILDERS: The Order of 1866 retired officers of a certain age, but made an exception in favour of those who had served at the Admiralty. That Order making that exception was the subject of a very keen debate on the occasion. I was present at the time. I refreshed my memory on the subject, and I have quoted my right hon. Friend quite correctly. He said he could not understand on what principle an exemption was proposed in favour of officers who had served at the Admiralty.

Sir JOHN PAKINGTON: That was with respect to an age retirement.

Mr. CHILDERS: Well, the Order of 1866 in this matter did not produce the effect which was expected from it either by those who proposed it, or indeed by the service generally; and since 1866 it has been absolutely necessary for those who have been at the Admiralty to look forward to the time when, carrying out the general principles of that Order, and avoiding as far as possible all flaws that might be in it, some proposals should be made as to promotion and retirement in the Navy, which should be at once satisfactory both to the service and also to the public, as not throwing on the taxpayers an undue burden. Last year, a few months after we took Office, it was my business to inquire into the subject. We gave unremitting attention to the matter during half of last year and up to the present time. The Order in Council which has been laid on the table, and which is the subject of this debate, is the result of the most careful inquiry; and I think I shall be able to show to the House that, on the one hand, it is satisfactory to the Navy, and on the other it ought to be satisfactory to the taxpayers, as it has greatly reduced the amount of the public burdens in connection with this part of the naval charge. Now, let me state, in a few words, the exact purport of this change. The first object is to reduce the list of officers of the Navy to an amount commensurate with the demands upon the service. I will not now go into the question which is about to be raised by my right hon. Friend the Member for Tyrone (Mr. Corry), who has an Amendment as to the extent to which the lists of executive officers below flag rank would be reduced. As he is about to move that Amendment, I will postpone any discussion of his plan until the Motion is before the House; but, omitting that for the present, our plan is this—very greatly to reduce the number of officers of each rank in the service, and to make that number, as I said before, commensurate with the demands upon the different ranks. But I stated, in opening the Estimates the other day, that if you brought the numbers down, for reasons which I need not recapitulate, to what is absolutely required for the public service, there is another condition which you must attach to it, and that is if your lists are short the officers upon them must be efficient, for it is useless to endeavour to reduce the lists to the number really required for the public service, if those lists are encumbered by a large proportion of men past the duty demanded in their respective ranks. We therefore apply, in the first instance, the principle of age in the various ranks. The House will not ask me to define the ages of the different ranks; we are now discussing the question of the flag rank, and the age we propose is for admirals, seventy; for vice-admirals, sixty-five; and for rear-admirals, sixty; protecting, however, as far as possible, the interests of the present officers. But, in addition to the condition as to age which pervades all the ranks, we have introduced, with respect to flag officers, a further condition, which existed before as to other officers. And here I want to supply an extraordinary omission which has appeared in the speeches of those who have gone before me. They thought that the introduction of a period of non-service within which an officer would be disqualified from remaining on the active list was a novelty. It was nothing of the kind. That rule, under which officers who have not served for a certain time are to be no longer on the active list, was introduced in the Order of 1866. A captain who has been unemployed for a certain time, a commander or lieutenant who has been unemployed for a certain time, may be retired from the active list, and the change which we propose in the present Order is simply this—if the principle is good with respect to lieutenants, commanders, and captains, why not with respect to admirals? That was the question we had to consider, and we came to the conclusion that every reason which justified retirement in the case of captains, commanders, and lieutenants, would also justify it in the case of admirals. My right hon. Friend (Mr. Corry), in connection with his own Board, only the other day retired a captain of the age of thirty-nine, because he had not been employed for a certain number of years. [Mr. CORRY remarked that the retirement of that officer was not under an Order in Council.] The fact remains the same. We only apply to flag officers the same rule which has been applied to captains for some years past. My noble Friend (Lord Henry Lennox) has used some illustrations to show that very distinguished officers, such as Sir Thomas Cochrane, Sir George Seymour, and others, would be retired under the operation of that Order. Then my noble Friend says—"How injurious"—or "How ridiculous," was, I think his expression—"to the public service must an Order be which would have retired these distinguished officers." But my noble Friend forgets that these officers would have been retired under the present system, independently of the Order in Council which we are now discussing. They would have been retired for the reason that they were captains who had been ten years without service. In fact, in every case which my noble Friend adduced to show the impolicy of the proposed plan, the officer would have been retired independently of the proposed plan if he had lived till the present day. Twenty or thirty years ago changes were very slow as compared with what they are now, and therefore the experience of those days has very little bearing on the question we are now considering. The rule is perfectly justified by the state of things, but that state of things ought not to have been limited to officers of a certain rank; it should have applied to all. But let us consider what would be the state of things if the Motion of my noble Friend was carried. He has moved—

> "That it is inexpedient to retire Flag Officers from the active list of the Navy for any other cause but age or physical infirmity, and thus add to the public charge."

He thus challenges my proposition that, in addition to "age or physical infirmity," non-service for a number of years shall be deemed a sufficient cause for retiring naval officers. I will proceed to show the effect which my noble Friend's Motion would have, if carried, on the flag list, which it is our wish and intention, if possible, to reduce, first remarking that even my right hon. Friend (Mr. Corry), who is about to propose another Motion, does not challenge the amount of the reduction. I shall not mention names, for that would be invidious; but I shall mention facts concerning officers who would be retired under the Order in Council, if agreed to, on terms which are admitted to be liberal, but whom my noble Friend seeks to have retained on the active list. Admiral A is sixty-four years old, and last served in 1847; he has, therefore, been unemployed during twenty-three years; but if my noble Friend's Motion is carried, he will have to remain other six years on the active list. Admiral B is sixty-six or sixty-seven years of age, and would have to be retained for three or four years longer, though he has not served since 1841. Admiral C is aged sixty-three years, and has not served for fifteen years; but, according to the terms of my noble Friend's Motion, he must be retained for another seven years. Admiral D is sixty-one, has not held a sea-going appointment, though he has done harbour duty since 1853, but would have to remain on the active list during other nine years. Admiral F, who has never commanded a sea-going ship at all, has been twelve years unemployed, and would have to remain on the list for fifteen years longer; while Admiral G has been unemployed for fourteen years, Admiral H for twelve years, and Admiral I for eleven years. These, omitting exceptional instances, that have been specially alluded to by hon. Gentlemen who have preceded me, would be the result of adopting the Motion of my noble Friend. But though the Motion to which I am alluding makes no reference to this branch of the subject, those hon. Gentlemen who have spoken assume the real question to be whether officers who have not served afloat, but have served at the Admiralty, shall not have an exception made in their favour, and be allowed to remain on the active list. I must say that I was much surprised to hear some of the observations made by my hon. and gallant Friend who immediately preceded me, and who implied, though he did not say it in so many words, that the proposal we make is unpopular in the Navy and does not satisfy the general requirements of the service. Now, I will undertake to say, on the other hand, that the general scheme—and this proposition as much as any other part of it, is popular in the Navy, in that it thoroughly meets the requirements of the service; and, further, I repeat most distinctly, that the exceptional provision of 1866 in favour of officers who have served at the Admiralty ought not to have been made. But, Sir, let me state to the House the distinction between the circumstances existing in 1866 and those of the present day. In 1866 the general rule was that all officers whatever should, on attaining certain ages, be compelled to retire; but an exception was made in favour of certain officers who had served at the Admiralty, not on the ground of fitness for service, but simply as a question of privilege. We, on the other hand, say it is, and ought to be, a question not of privilege, but of capacity, and that if non-service for a certain time disqualifies, in point of capacity, officers of whatever age, there is no reason why an exception should be made in favour of any particular class. My hon. and gallant Friend behind me (Admiral Erskine) has alluded to several cases in which he thinks exception should be made on the ground of service performed by those officers at the Admiralty; and while there would certainly be something to say with regard to them if we were considering the question on the ground of privilege, I cannot see why, as we have offered to those officers most fair pecuniary compensation under the new terms of retirement, the rule that has been proposed by the Government should be altered or departed from. My hon. and gallant Friend has spoken of the distinguished services of Sir Spencer Robinson. Nobody will speak more highly than I will of the efficiency of this gallant officer; but I say most distinctly that the office of Controller of the Navy is not necessarily a naval office. The person holding that position fills a civil office of great responsibility; he is the manager of immense business establishments for the country, and, as such, he is entitled to a pension. But though the person holding that office may be, and has usually been, a naval officer, I see no particular reason why, giving him these great advantages, he should also have the advantage of remaining on the active list when other officers with like service to himself are removed. That is the plain answer to the case of Admiral

Robinson. With regard to those who have served at the Admiralty, the same reason prevails. My hon. Friend spoke of Admiral Eden; it is always unpleasant, and I am very unwilling to mention names, but I do so in reply to statements that have been advanced. My hon. Friend's idea is that in 1866 Admiral Eden got some great advantage out of the Order in Council, upon which he built up hopes for the future. But those hopes had no foundation whatever; for the Order in Council was passed in March, 1866, and in June or July, 1866, the Government, of which he was a member, went out of Office. And, therefore, upon a three months' tenure of office of this kind, it is impossible to build upon the terms of any Order in Council, and the distinction which it may have drawn between service at the Admiralty and service afloat, any such vested right as my hon. Friend now claims. The position is simply this—Admiral Eden has not served in command of a ship afloat since 1855, he has held very important and valuable offices, he has been Controller of the Coastguard for some years, and a Lord of the Admiralty for seven years, but since 1855 he has never been in command of a sea-going ship. Then, take the case of Sir Frederick Grey. I have the honour of being a friend and was a colleague of both these gentlemen. Sir Frederick Grey precisely in the same way ceased to have anything to do with the Admiralty a very short time after the Order in Council of 1866 was passed; and it is impossible to say that he acquired any expectations under it. He has not been afloat since 1860, and I have no reason to suppose there is any cause to believe that he might have been since 1866. With respect to my hon. and gallant Friend opposite (Sir John Hay), I am bound to say, and I say it very frankly, that I think his is a very hard case. But we are told that "hard cases make bad laws," and it is impossible to say that a general law for the advantage of the public service should not be biassed because we find that under it there is one individual hard case. I should have wished, if it had been in my power, to make a special exception in favour of my hon. and gallant Friend; but I do not believe it would be possible to make an exception without destroying the vitality of the whole scheme. I do not believe there is another similar case in the whole service; and if the system, which we believe to be of very great value to the public, is to be altered, we shall be compelled to retain on the list all those officers, not whose names, but whose services, I described a few minutes ago. My hon. and gallant Friend wished to serve last year. I do not know whether that wish continues; but, I repeat again that I regret exceedingly that the operation of this Order should personally affect him, and I also repeat that I believe his is the only case in which the public interests would be unfavourably affected by this Order. Let me say one word as to the financial part of this question. It has been said that the arrangement which we have made is not an economical arrangement; and my gallant Friend who spoke last rather strongly put this point—Why put officers upon the retired list with an improvement in their pay, when, if left on the active list, they would cost the country less? The answer is perfectly plain, and I wonder that my hon. Friend fell into the trap. When an officer on the retired list dies, his place is not filled up; but the place of an officer on the active list who dies is filled up, according to the invariable rule. Thus, as the retired officers die off from year to year, a very considerable saving will be effected, and this is the only way in which you can get the benefit of great reductions such as we are making now. It is true that there will be no saving, but a small increase of charge, during the first three years, by the transference of these officers to the retired list. In the first year it will cost the country £4,000, in the next year £40,000, in the third year about £10,000 or £15,000, and then the cost each year will gradually become less, until it will produce a total saving to the country of £300,000 or £350,000 a year. My hon. Friend says you need not fill up the places as vacancies occur; but that plan has been tried once or twice, and has always failed; it is, in fact, most obnoxious to the service. It is an old tradition that death vacancies should be filled; and on this subject I may appeal to hon. Gentlemen opposite, though they do not agree with me upon the general question, whether an attempt to introduce a rule under which death vacancies need not be filled would not excite great and general discontent. For that reason, we have not been able to accept the alternative suggested by my hon. Friend. If we were now in Committee, I should have been very anxious to go in detail through the scheme and defend it; it has been absolutely necessary for me to touch upon one or two of its features; but I have tried to limit myself to a defence of the point which my noble Friend has attacked. I would say, in conclusion, that this scheme has been very carefully considered not only by myself and my noble Friend, (Lord Camperdown), whose assistance I so much value, but by my colleague Sir Sydney Dacres, a very distinguished officer, who, in advising me, I believe thoroughly represents the service; by my other colleagues at the Admiralty, and by two or three persons representing every branch of the naval service. The scheme has been, I believe, accepted by the Navy as, generally speaking, a sound and satisfactory scheme; it is a scheme homogeneous in all its parts, which endeavours to do full justice to all, and endeavours to do it uniformly and impartially to the different ranks. I would venture to warn the House against passing a Resolution which would take out of the hands of the Executive Government the responsibility in matters of this kind; and, secondly, against rejecting a particular portion of a scheme, without considering what the effect of this may be upon the scheme as a whole, which has taken six or eight months to elaborate. Such interference would be particularly important at a time when we have been urged to carry through all the public services connected with the Navy very important reforms, leading to considerable reductions of persons in all positions and of all ranks in life. In order to carry out that policy we have been obliged to retire large numbers of men in the lower ranks, in addition to clerks and others in similar grades. I would beg the House to pause before they make an exception in favour of any particular rank, or of any particular officers; but when they see that we are endeavouring to carry out these important reductions impartially, I trust they will give us credit for a desire to do so, and will not interfere with any particular detail so as to destroy a homogeneous scheme.

SIR JOHN PAKINGTON: As the First Lord of the Admiralty has not only referred to me, but has claimed me as a supporter of his scheme, I wish to say a few words. I can assure him that I entirely appreciate the efforts which he has made, I believe with the greatest sincerity, to effect reforms. I am obliged to admit that the right hon. Gentleman has, since he took Office, shown a strict anxiety to effect reforms and improvements; but everything has been done in a hurry, and these changes, in the administration of a great Department, must occasion great hardship both to individuals and classes. The changes which have been brought about by the present Board of Admiralty have inflicted great hardships on the working classes; they have inflicted great hardships on the naval service, and now the changes effected by this retirement appear to impose unnecessary hardships upon officers. I entirely approve the principle on which the right hon. Gentleman has proceeded. This question of retirement has occupied the attention of successive Boards of Admiralty, as the right hon. Gentleman very truly stated, for a considerable number of years. He referred to 1860, when the Duke of Somerset took Office; but he might have gone further back, for when I held Office as First Lord, I brought forward a scheme of retirement founded on the principle of retirement by age. Now, the right hon. Gentleman brings forward a large scheme founded on two principles—retirement by age and retirement by time. It appears to me that retirement by age is entirely sound; but retirement by time admits of very great doubt. The right hon. Gentleman referred to the scheme carried out by the Duke of Somerset in 1866, and he quoted words of mine in which I objected to make exceptions in the case of officers on the ground that they had served as Lords of the Admiralty. But he was obliged to admit that I was then speaking not of a mixed system of retirement by age and by time, but of retirement entirely by age. Now, retirement by time makes the whole difference. I do think, not only in fairness to individuals, but on grounds far more important—for the sake of the public service—it is most important that you should not allow officers in the position of my hon. and gallant Friend who sits next to me (Sir John Hay) to retire from the service of the Crown. The case of my hon. and gallant Friend has been referred to, and it is a very remarkable one. I appeal to the Government—I appeal to my right hon. Friend the First Lord—looking at this not as a personal question, but as one affecting the interests of the nation, can it be for the public service—can it be a public benefit—that an officer, in his presence I will say, of recognized great ability, and in the prime of life, should be retired, compulsorily retired, from the service of the Crown? What would be the inevitable effect? The Government will feel that I am dealing with the case in no party spirit, but on the ground of the public service. What will be the effect of such procedure? A Minister charged with the formation of a Board of Admiralty wants to get the most able men he can find. It is necessary that we should have—and we always have had—naval officers of great distinction appointed to the Board of Admiralty for the sake of the services they may confer on the country. What will be the effect of this new rule? The moment an officer of great distinction is asked to join the Board, he would say—"No; I dare not join your Board of Admiralty, because if I did join I should be disqualified from serving the Crown, and I should find myself retired." This dilemma would necessarily arise. My right hon. Friend admitted the Order of 1866 was one entirely of age, and it was one that regarded the lower ranks; but it did not work well. He is perfectly right in introducing the principle of age; but I think he has carried it too far. Why he should introduce the clause with reference to admirals of the fleet to retire at seventy, I cannot understand. From the nature of the appointment, there is no reason why admirals of the fleet should retire at that age. I think seventy a more appropriate age for other admirals than sixty-five. The principle of age I entirely approve; the principle of time is most doubtful. For the sake of the public service, it is not desirable, if you adopt the principle of time, that it should be applied to officers serving their country in the capacity of Lords of the Admiralty. Under all these circumstances, I think I should best meet the spirit of the Motion and the real requirements of the occasion if, with my noble Friend's (Lord Henry Lennox's) permission, I substituted for his Motion the following—that this subject be referred to the consideration of a Select Committee. ["No, no!"] That suggestion was thrown out in a conciliatory spirit by the hon. Member for Bedford (Mr. Whitbread), and I think the House would do well to adopt it. I quite admit this scheme of retirement is a liberal one; and so far as it is liberal no doubt it is acceptable to the service. But, on the other hand, it is open to serious objection; and before Government finally decide to adopt the scheme, I trust they will yield to the suggestion of the hon. Member for Bedford, and appoint a Select Committee to consider the subject.

MR. HANBURY TRACY: Sir, before this debate closes I am anxious to say a few words in opposition to this Motion, though I fear from the tone of the discussion it is not the popular side. Sir, I cannot believe that any impartial person can have examined the details of this retirement scheme without coming to the conclusion that it is framed on a most liberal scale, and that it metes out a large and even-handed measure of justice to all the requirements of the case. It is utterly impossible in framing a plan of retirement on so large a scale not to act with some apparent harshness to a few individuals, or to prevent placing a certain number of distinguished officers on the retired list who happen to be in perfect health and strength, but in the present instance this is not done without giving the fullest and most ample compensation, so as to soften the blow as much as possible. It is only necessary to look at the present state of the *Navy List*, with its numerous alphabetical retirements, to convince the most sceptical of the absolute necessity of some great, sweeping, and radical change in the list being effected; and, in my humble judgment, it would be far better to leave the whole thing alone than to deal with the subject in other than a comprehensive and statesmanlike manner. The benefit of the service demands a change; you must deal in generalities, you cannot make exceptions. Instead of offering any opposition to the scheme, I must most sincerely congratulate the right hon. Gentleman at the head of the Admiralty, that he has had the courage in the face of a very considerable opposition to bring forward so comprehensive a measure, and I think we ought to give him the utmost support in our power in carrying out a scheme of retirement, which I am convinced will confer an inestimable boon on the Navy, which will give us a true, healthy, and *bonâ fide* active list, which I am confident will render our naval officers far more efficient by keeping them constantly employed, and which will certainly render them far more contented. Sir, the Motion of the noble Lord opposite is an attempt, by an objection on a minor point, to throw out by a side wind the whole plan. The whole opposition seems to be centred in that clause in the Order in Council which retires flag officers who have not hoisted their flag for ten years, and prevents service at the Admiralty counting as flag-time. The noble Lord and the hon. Member for Bedford (Mr. Whitbread) seem to think that in future it will have the most prejudicial effect, that distinguished and able officers will decline service at the Admiralty, and that none but old "effete" officers will be induced to go there, and that retrospectively it will act in the most unfair manner on officers who have already been at the Admiralty, on the understanding that by Order in Council, 1866, such service should count as flag time. Now, Sir, I must beg, with all deference to their opinion, entirely to differ with them, as I believe this clause which puts our admirals on the same footing as captains, commanders, and lieutenants, who, by previous Orders in Council, are now retired after having been unemployed for a certain number of years, to be one of the best in the whole scheme. First of all, let us examine the effect of this clause in its prospective character. In regard to any probable difficulty of obtaining efficient naval officers in future at the Admiralty, I can but quote the words of the noble Lord himself, "that this service has always been looked upon as one of the prizes of the profession," and such I am confident it always will remain. The effect of this provision will really be simply this—that it will limit the length of service at the Admiralty to a period of about five years, and I have yet to learn that it can be any disadvantage to the naval service that the Sea Lords of the Admiralty should be men well versed in professional knowledge and detail, which employment afloat can alone keep up. I apprehend, Sir, it will have the most desirable result, that of preventing officers clinging to the Admiralty for periods of seven, ten, or twelve years, when far more efficient officers could be found to supply their places. In saying this I do not for one moment wish to be understood to imply that the work performed by naval officers at the Admiralty, in carrying on the administrative work of this great Department is at all an easy task, as, on the contrary, no one can have looked into the question without being convinced that the work is most arduous, most difficult, and most responsible. But, Sir, what I do maintain is this—that it is a position which will always be sought after by our most distinguished admirals. We must remember that there are great advantages attending these appointments. There is the especial privilege among others that an officer at the Admiralty is certain, at almost his own time and choice to be able to hoist his flag on the station he prefers. Then, Sir, there is a very considerable amount of patronage, and a man is able to live in all the comforts of his family circle, which by the exigencies of the service he generally sees far too little of, and, lastly, he is able to enjoy the social gaieties of London. If my hon. Friend opposite (Captain Dawson-Damer) does not think this a privilege I can only say, that if he will go to sea for seven or eight years, I am convinced he will return with a very different opinion. Well, Sir, I apprehend these are sufficient reasons for believing that you will always have the selection of the very best men for the Admiralty, and therefore prospectively this clause cannot do any harm. As far as it will act retrospectively, I must confess that I have had considerable doubt in my own mind as to whether it would not deal somewhat unfairly in a few cases, but on looking carefully into the question, I do not see that there is much reason for complaint. The noble Lord (Lord Henry Lennox) stated that it was a most deliberate breach of faith with several distinguished officers, but I am quite confident that my right hon. Friend (Mr. Childers) would be the very last man in this House to desire to break faith with any officer if it could be shown that promises made had not been kept. Certainly as regards two of the officers concerned—Admiral Sir Frederick Grey and Admiral Charles Eden—there is not the slightest shadow of justice that I can see in their complaint. It is always invidious to mention names, and extremely painful in a case of this nature, but so much has been said by my hon. Friend (Mr. Whitbread) respecting these officers, that I cannot sit quiet and allow it to be thought that they are unfairly dealt with. My right hon. Friend (Mr. Childers) has already shown that the Order in Council of 1866, about which we have heard so much, was passed only three months before the Government went out of Office; so it is impossible to say that any clause contained in that Order could have had any effect on their tenure of Office; and, therefore, however unfairly it may have dealt with other officers, it cannot be said to have acted so to them. But, Sir, I should like to add another fact, which has not yet been pointed out, and that is that these two officers belonged to the Admiralty, and were the actual framers of this very Order of 1866, which I may, perhaps, be allowed to call one of the most unjust, ill-judged, and unfair Orders in Council which have ever been passed. I protested against it in 1866, and it only passed the criticism of this House by a very small majority. It would have been very much better if it had never passed; and I sincerely wish the mischief then done could be wiped out. The Order in Council of 1866 deliberately, without any warning, without any excuse, retired fourteen of our most distinguished admirals, without giving them any compensation whatever. Most of these officers had served the country with the greatest gallantry before the enemy, and it was an act of the greatest cruelty suddenly to shelve them, without any set-off in the shape of a pecuniary compensation, or at any rate without some letter expressing the necessity of the measure, and showing by way of apology that it was for the benefit of the Navy generally. No, Sir, the House will hardly believe it, that the operation of that Order in Council of 1866, which the noble Lord has spoken of as if it was the great Charter of the Navy, was simply to retire fourteen unfortunate officers without compensation, and to make no less than fifty-three exceptions, which comprised the framers of the scheme and all those admirals who had any influence to back them, and who they feared to retire. And now we are asked to upset the whole plan of this present retirement scheme, in order that those who assisted in framing the Order in Council of 1866 to their own benefit, by excepting themselves, should be again excluded from the provisions of this new Order in Council. Whatever may be the case of other officers, I make it quite clear that these two admirals have no right to complain, more especially so when it is remembered the length of time they have each served at the Admiralty, during which period they must have had every opportunity of hoisting their flag, if they had not preferred a home appointment. With regard to the two other officers who are affected by this scheme, I must confess that their cases are certainly hard, and if it were possible to make any alteration in their favour, I should like to see it done. My hon. Friend's (Sir John Hay's) is a most peculiar case, and no one can be more sorry than I am that the Navy should lose the services of so active an officer, especially when we remember what he has done for the Navy generally. The case of Sir Spencer Robinson, Controller of the Navy, is also a most hard one; but I fear you cannot make exceptions, and the only thing possible is to give full and ample compensation. Sir, I trust the House will support my right hon. Friend the head of the Admiralty in carrying this great measure of retirement in its entirety, and will not allow any insidious Motion of this sort to obstruct its course. It has been received with acclamation by all ranks in the Navy, and the officers of that profession are looking forward to it as one of the greatest boons that has ever been conferred on the service.

MR. MAGNIAC said, he thought that the basis of any system of retirement should be the efficiency of the service, and not the acceleration of promotion. He thought that the discharge by an admiral of important civil duties at the Admiralty was *primâ facie* evidence that he was not disqualified by age and infirmities from the command of a fleet; and that the compulsory retirement of certain admirals under this scheme was a breach of faith of the Order in Council, under which they had accepted service ashore. The right hon. Gentleman might alter his scheme in this respect without any interference with the principles of it; and if he could not promise to do so, it might advantageously be referred to a Select Committee.

SIR JAMES ELPHINSTONE said, he had been engaged in a variety of debates upon the subject of promotion and retirement in the Navy, and on one occasion he had beaten the Government by a large majority when they had attempted to prevent an investigation into the matter, and the subject was thoroughly sifted in Committee. He should like to know what would become of the Government scheme on its being exposed to the slightest breath of war? At this moment he could tell the Government that there was a small cloud appearing in the East, now no bigger than a man's hand, that might call upon England to be ready for all emergencies in a short time, and then they would look in vain for those officers whom they had driven into retirement. The hon. Baronet his distinguished Relative (Sir John Hay) had been thirteen times in action, and they were about to retire him at the age of forty-nine; and was he, who stood before them, sixty-five years of age, to be told that he was not fit to command a ship? This was a part of the Government scheme for the purpose of disarming England. The present Government were, step by step, lowering this country in the eyes of England. [*Dissent.*] They were, by every means in their power, lowering the prestige of this country. He had not been at home during the last Recess; he had been abroad, and had heard what foreign nations said of us. The Government were bringing in a Bill to prevent evictions in Ireland; but, at the same time, they were doing their best to evict the best men in the service, and they were degrading the country in the face of Europe. And what were the rewards left for the Navy? Was there a single thing left for those who had given up every chance in life for the service but the bare epaulets on their backs? Orders in Council had become a mockery; promulgated by one Board of Admiralty they were rescinded by another and given to the winds. And why should the Navy be less worthily dealt by than the Army? Was the Director of the Works at the Admiralty to be kept on the strength of his corps, and rise grade by grade till he became a general of Engineers, while his superior officer, Admiral Robinson, a man of great talent and ability, notwithstanding he had built a great many bad ships, was to be retired? It was true the First Lord of the Admiralty was of opinion that the Controller of the Navy was not a naval branch of the service; but it was only his ignorance which made him think so, for it required the very highest class of naval talent to enable a man to construct a ship, and if Admiral Robinson had not attained to a sufficient knowledge of his business he at least knew as much as the present Lords of the Admiralty. The Admiralty reduced its staff; but it would be at war with somebody or other during the next five or six years, and would then have to fill up its lists again, and then would follow wholesale retirements to curry favour with the manufacturing classes. The only proper retirement was the retirement of lieutenants. Of what use was it to retire from the flag list and the captains' list? They still had to be paid, and, at the same time, lieutenants and other young officers were raised a grade and received higher pay. Give lieutenants a good bonus to retire, and let them go into the merchant service, or the Colonies, or wherever they like; but do not thrust an unmerited insult on officers of standing, and say they are unfit for the service. Lord Howe fought the battle of the 1st of June when he was sixty-nine years of age, and he asked whether that battle would be better fought now? Certainly not with the ships which the First Lord of the Admiralty was building. He, therefore, seconded the proposition of his right hon. Friend the Member for Droitwich (Sir John Pakington) that these matters be referred to a Select Committee.

MR. GLADSTONE: The hon. and gallant Member seems to be quite unconscious of the character of the Motion he has supported. He has sat down after seconding a proposition that this matter be referred to a Select Committee, a Motion which is not before the House. But if I gather the purport of his speech correctly, he has been arguing in support of the proposal that it is inexpedient to retire flag officers from the active list for any other cause but age or physical infirmity; but that is quite a different notion. And how does he support it? He is greatly scandalized at the idea of sending away from the Navy men of fifty or sixty, because, he says, a most distinguished admiral fought a great battle at the age of sixty-nine; but he also recommends that you should retire lieutenants at the age of twenty-five or thirty. So that he who thinks men at sixty or sixty-nine have a great deal of vigour in them which should not be lost to the service, proposes to retire men of twenty-five or thirty.

SIR JAMES ELPHINSTONE rose to explain, but was met with loud cries of "Order!"

MR. SPEAKER said, the hon. and gallant Member could explain himself when the First Lord of the Treasury had concluded his observations.

MR. GLADSTONE: The hon. and gallant Member is rather sensitive. But his own remarks were not deficient in freedom. He also says that while we are introducing an Irish Land Bill—for his fancy leads him that distance in search of illustrations — to prevent the evil of eviction, we are evicting a multitude of naval officers; but the answer to that is, that these men are voluntarily evicted. ["No!"] Is it not the truth that the measure of my right hon. Friend has been received with general approbation by the service? ["No!"] I think my right hon. Friend has given ample proof that this is the case; for he has, at any rate, shown that, whereas in 1866 gentlemen who are now chief complainers were forced to retire without compensation, the feature of the present plan is that compensation is offered as far as can be done by a uniform rule to everybody, and that no exceptions are made. An appeal has been made to my hon. Friends below the Gangway, who are justly supposed to have a particular regard for public economy; and a few words have been tacked on to the end of this Motion deprecating an addition to the public charge, by way of fishing for their votes. Certainly the arrangement adds to the public charge of the present year, and to the next and the year after. The right hon. Gentleman (Sir John Pakington) says precipitancy has been the character of the present First Lord's administration; but if he were to go out of Office to-morrow he could write, in record of his deeds, that he has taken £1,500,000, in round numbers, off the Estimates. And I want to know whether, if precipitancy is the principle of a man's policy, he would show it in a measure like this, which actually adds to the charge which he has to meet, and leave, to his successors the benefit of his economical arrangements? It is always invidious to object to a plausible proposal which is not before us; but the hon. and gallant Member thinks it is advisable, and it has certainly been suggested in debate, to refer this matter to a Select Committee. Her Majesty's Government are bound to say that having well considered the subject they have obtained the sanction of Her Majesty to an Order in Council, by which this scheme is promulgated; the House will have ample means of indicating by its vote in Committee whether it approves this order or not, but the right hon. Member for Droitwich will see that the subject has passed a stage in which the Government can assent to the appointment of a Committee. The Government stand with my right hon. Friend on this—that his scheme is an economical measure. It is a liberal measure, because it asks no man to retire from the service without giving him compensation for that which he does, as well as various options of which he may avail himself. It is a uniform measure, and aims at the avoidance of invidious exceptions, and upon these grounds we think it is a measure for which we may venture confidently, and without respect of party, to ask the approval of the House.

MR. BOUVERIE said, he was convinced that the proposed scheme of retirement would, on the whole, be a beneficial and an economical one; but he believed it would work a great injustice to certain individuals. Now, it appeared to him that while the House was passing a great measure of improvement it ought to take care that it was not, at the same time, unjust to particular officers, who, relying on what had been done by past Governments, had laid down plans for their professional career. The point at issue was, in fact, a very small one, for he understood it affected only four officers of great distinction personally. These officers said that, according to the last arrangement with regard to retirement, they were saved from having to retire by an exception which provided that service in the Admiralty should count as sea service, that they were thereby induced to accept Office as Lords of the Admiralty, and that they objected to be now forced to retire by the order now under the consideration of the House. Surely it was not worth while, in effecting a public improvement, to do an injustice to these gentlemen. The object of all retirement should be to get active, able, and efficient men to discharge the duty of admirals. Instead, however, of this new scheme doing this, it was going to force from the service a man like the hon. and gallant Member for Stamford (Sir John Hay), than whom there was no more eminent officer or more active Member of that House. It seemed, therefore, to be rather a reflection on the general expediency of his right hon. Friend's scheme of retirement that it should force an officer of the highest distinction to worship against his will his Penates in the country, instead of serving the Queen as an admiral at sea. His right hon. Friend at the head of the Admiralty was, in his opinion, ill-advised to overrule this claim, and had not made out his case at all. The answer he gave to these gentlemen was that he would give them ample compensation; but surely they were entitled to say—"We do not like your terms of retirement, and instead of taking your compensation, we prefer to be allowed to count our Admiralty time as sea service." He trusted his right hon. Friend would reconsider this comparatively small point, and yield to what he regarded as simply a claim of justice.

Question put.

The House *divided:*—Ayes 169; Noes 136: Majority 33.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—NAVY ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

(1.) £782,100, Half Pay and Reserved and Retired Pay Officers, Navy and Marines.

(2.) £635,666, Military Pensions and Allowances.

(3.) £287,134, Civil Pensions and Allowances.

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

GAS AND WATER FACILITIES BILL.

On Motion of Mr. SHAW LEFEVRE, Bill to facilitate in certain cases the obtaining of powers for the construction of Gas and Waterworks, and for the supply of Gas and Water, *ordered* to be brought in by Mr. SHAW LEFEVRE and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 77.]

Mr. Bouverie

RAILWAYS (POWERS AND CONSTRUCTION) BILL.

On Motion of Mr. SHAW LEFEVRE, Bill to amend "The Railway Companies' Powers Act, 1864," and "The Railway Construction Facilities Act, 1864," *ordered* to be brought in by Mr. SHAW LEFEVRE and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 76.]

MORTGAGE DEBENTURE ACT (1865) AMENDMENT BILL.

On Motion of Mr. WEST, Bill to amend "The Mortgage Debenture Act, 1865," *ordered* to be brought in by Mr. WEST, Lord GARLIES, and Mr. STAVELEY HILL.

Bill *presented,* and read the first time. [Bill 78.]

PAWNBROKERS BILL.

Acts read; *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Laws relating to Pawnbrokers.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. PLIMSOLL and Mr. SIDEBOTTOM.

Bill *presented,* and read the first time. [Bill 79.]

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, 18*th March,* 1870.

MINUTES.] — *Sat First in Parliament*—The Lord Boston, after the death of his Father.

PUBLIC BILLS — *First Reading* — Transfer of Land * (41).

Second Reading — Metalliferous Mines (6), *put off;* High Court of Justice (32); Appellate Jurisdiction (33); Coinage (36).

Committee—Report—Income Tax Assessment and Inland Revenue Law Amendment * (37).

Third Reading — Naturalization * (39); East India (Laws and Regulations) * (29); Churchwardens Eligibility * (35), and *passed.*

METALLIFEROUS MINES BILL—(No. 6.)

(*The Lord Kinnaird.*)

SECOND READING POSTPONED.

Order of the Day for the Second Reading, read.

LORD KINNAIRD said, that he proposed to postpone the second reading of this Bill until after Easter, for the following reason:—Their Lordships might be aware the Home Secretary had introduced in the other House a Bill called the Mines Inspection Bill; but though that measure referred more especially to coal and ironstones mines, yet several of its provisions would affect those mines to which his Bill referred. Considerable inconvenience might arise if both Bills should become Acts of Parliament, and therefore he had had communication with hon. Members for Cornwall, which was the principal district to which his Bill would apply, and where large meetings had approved all the important provisions of his Bill. One of the Members for Cornwall would move in the other House to insert these provisions in the Government Bill, and he was happy to say that the Secretary of State would have no objection to incorporate them in his Bill. The result would be a complete and comprehensive measure, and their Lordships would have no occasion to discuss the details of the present Bill.

The Earl of MORLEY thanked the noble Lord for the course he had taken. He thought that the Amendments that would probably be introduced into the Government Bill in the other House would meet the cases that the noble Lord's Bill proposed to deal with, and the course which he now adopted would facilitate legislation and tend to make the Government Bill a better one.

Then the Second Reading *put off* 'till *after the Recess at Easter.*

HIGH COURT OF JUSTICE BILL—(No. 32.)—APPELLATE JURISDICTION BILL (No. 33.)—(*The Lord Chancellor.*)

SECOND READING.

Order of the Day for the Second Reading of the High Court of Justice Bill, read.

The LORD CHANCELLOR: My Lords, in asking your Lordships to give a second reading to these Bills—the one for establishing a High Court of Justice, the other for regulating the constitution and procedure of Courts of Appeal—I have but little to add to the statement which I made to your Lordships on a former occasion. They embody, as I then mentioned, the recommendations of a Royal Commission which was originally appointed by my noble and learned Friend on my left (Lord Chelmsford), and was presided over by my noble and learned Friend who preceded me on the Woolsack (Lord Cairns); three of the Common Law Judges, the Judge of the Divorce Court, Sir Roundell Palmer, the then and the present Attorney General, the Judge of the Admiralty Court, and Sir William Erle being also members of it. Excepting that the Judge of the Admiralty Court entertained some doubt whether his Court should be included in the arrangement, the Commissioners were unanimous in their recommendations, save as regards matters not in any way connected with these Bills. Having given on a former occasion the reasons for the changes which are proposed, and what those changes will be, I will now explain briefly what are the provisions of the first Bill—the High Court of Justice Bill. It proposes that the division of law and equity, which, for the reasons I then advanced, and which are fully set forth in the Report, has been found of singular inconvenience in conducting the complicated transactions of our present state of society, should be at once abolished, and that all litigation—the litigation which must necessarily occur where property has so largely increased and such various interests have become established—should be brought into one Court and under one system of judicature. It is proposed that this one great Court shall consist of all the Judges of all the separate Courts; and that those separate Courts, instead of being divided in their jurisdiction from each other, shall be all divisions of the one great Court. Further, provisions will be made solely for the purpose of the convenient distribution of business and the division of labour; that there shall be no wall of division, so to speak, between any one Court and any other; but that there shall be a free circulation of Judges from one division to any other, so that any business may be performed by any one division; and the reference of any particular business to any one Court will be made by general orders, framed solely with regard to convenience and the despatch of business. It now not unfrequently happens that proceedings instituted in one Court are arrested as not being a proper matter for the jurisdiction of that Court, and the cause has consequently to be commenced *de novo* elsewhere, but this will no longer be the case; for if a matter originating in one division of the Court can be more conveniently dealt with by being allowed to pass to the consideration of another division, it will so pass without any new proceedings, with their attendant expense, being instituted, and there will be none of that contradiction which now exists between decisions of the Courts of Law and of the Courts of Equity. The Bill proposes to vest in one High Court the whole power and authority of the Court of Chancery, the Courts of Queen's Bench, Common Pleas, and Exchequer, the Court of Probate and Divorce, and the Court of Admiralty. At present there are seven Judges of the Court of Chancery—namely, the Lord Chancellor, the two Lords Justices of Appeal, the Master of the Rolls, and the three Vice Chancellors; from the Master of the Rolls and the Vice Chancellors there is an appeal to the Lord Chancellor and the Lords Justices; there are eighteen Common Law Judges—namely, six each in the Courts of Queen's Bench, Common Pleas, and Exchequer, besides one Judge in the Court of Probate and one in the Court of Admiralty, making a total of twenty-seven. The alteration proposed is that the Master of the Rolls shall henceforth have an appellate jurisdiction, and an appellate jurisdiction only, being transferred to the Appellate Court, which is the subject of the second Bill; and that the Lord Chancellor, assisted by four other Judges, shall form one division of original jurisdiction. Thus the Lords Justices will no longer constitute a portion of the Appeal Court, and the Master of the Rolls will no longer be one of the Judges of the Court of Chancery, but there will be a Court consisting of the Lord Chancellor and four other Judges, originally representing the Court of Equity, but henceforth forming one division of the High Court. There will be three other divisions, each with five Judges, occupying the position of the six who now sit in each of the Common Law Courts. The Lord Chief Justice of England will be at the head of one of these divisions, and a Lord President at the head of each of the other two. There will also be another division, which, in the first instance, for the purpose of the convenient division of labour among the several Judges, will consist of the Judges of the Courts of Probate and Admiralty, who will be assisted by a third Judge, making three in that division. The total number of Judges for these various divisions will thus be twenty-three. A Court of Appeal is proposed to be constituted by the second Bill; but it is so connected with the first that I can hardly explain either of them separately. The Court of Appeal will consist of the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, four permanent Judges, and three Judges to be named yearly by Her Majesty under the sign manual, who will be Judges of the Court of First Instance, but may also sit in the Court of Appeal, which will thus be composed of ten Judges. The Judicature Commission, as I mentioned on a former occasion, recommended this number, but I thought nine would be sufficient. My noble and learned Friend, however, whose absence I much regret (Lord Cairns), suggested that the number ten should be adhered to, since three divisions of the Court might occasionally be required, and the Lord Chancellor, owing to his other duties, might be unable to attend. I have therefore inserted the Lord Chief Justice of England as one of the ten; but I still doubt whether more business will come before the Court of Appeal than will occupy two divisions; for at present one Court of Appeal in Chancery has been found sufficient, while the Court of Exchequer Chamber, which hears appeals from the Common Law Courts, is only required to sit nine or ten days four times a year; and as only appeals from the Courts of Probate and Admiralty will be added, I believe two divisions will be sufficient. It is, however, desirable that there should be opportunities of affording relief to the Judges sitting in those divisions, as three of them will not be permanent, and they and the Lord Chief Justice will be occupied in the discharge of duties in the Court of First Instance. We propose to vest in the High Court all the powers and authorities now existing in any one of the Courts which it is proposed to mould into one; and that the High Court shall meet from time to time, not for the despatch of ordinary business, but for the purpose of arranging procedure and framing regulations for distribution of the business of the Court, both between the High Court itself and the several divisional Courts. The divisional Courts, too, though sitting apart, will have power to interchange Judges and to facilitate the conducting of business in one division or the other exactly as the exigencies of the moment may require. The most important power, however, to be given to the High Court of Justice is with reference to framing regulations for its proceedings. The true principle, I apprehend, is that Parliament should not intrust to the Court anything which concerns the rights of parties between themselves in the subject-matter of litigation, for these must be determined by common or statute law, and can only be varied by the authority of Parliament; but what every Court ought to be able to do, and what Parliament is singularly incompetent to undertake, is to settle the course of procedure which experience shows, from time to time, to be the most convenient for the attainment of justice. The Court will be conscious, from its daily experience, of the changes in procedure which are from time to time required, and therefore the power for framing the regulations will make them sufficiently elastic and adapted to the necessities of the times. Certain general principles should, no doubt, be pointed out by Parliament as indicating the course which it is expected any Court should take; and accordingly the 13th clause provides for the selection and distribution of business, the transfer of business from one divisional Court to another, and for the transfer of Judges in like manner; for the scale of fees and their collection whether by stamps or otherwise; for the concurrence of the Judges in the decisions of the Courts, and the mode in which those judgments shall be given; for the control of pleadings, evidence, and other matters relating to the institution and conduct of business; the costs and mode of taxation. The 13th clause further provides that the procedure in each divisional or other Court shall, as far as possible, be assimilated; that provision may be made for reference of proper matters to accountants, scientific, or other special referees; and that there shall be no appeal to any Court of Appeal superior to the High Court from any interlocutory order made by three or more Judges without special leave of the High Court or of the Superior Court of Appeal. This last provision will restrict appeals from interlocutory orders, which would not determine the whole cause, and the object of which is vexatious delay. I think that, these principles being kept in view, the High Court may safely be allowed to regulate its course of procedure. With reference to the salaries to be paid to the Judges of the High Court of Justice—a matter which will be more fully discussed in "another place"—the Bill provides that the Lord Chancellor, the Master of the Rolls, and the Lord Chief Justice of England—designations which have been reserved by the Bill to the occupants of ancient offices and to which the public have long been accustomed, and which it is thought desirable to retain — shall receive the same remuneration as at present; and it is proposed that any future occupants of those high offices shall receive the same remuneration as the present occupants. With regard to the chiefs, hereafter to be styled Presidents of the divisional Courts, it is proposed that the present holders should retain their present salaries of £7,000; but that their position shall in future be assimilated to that of the Master of the Rolls, their salaries being £6,000. The salaries of the permanent Judges of the Court of Appeal are proposed to be £5,000, reserving, of course, to the present Lord Justice, who will be one of them, his present income of £6,000. The reason for fixing £5,000 is, that if any Judge should be transferred from his present position to that Court, he will have the advantage of being freed, not only from the duties, but from the heavy expenses which, as everyone knows, are attendant on going circuit, amounting probably to £500 or £600 a year; and, therefore, practically the salaries of Judges transferred would be increased by that amount. Retired Lord Chancellors, who take part in the judicial business of this House, receive £5,000 a year as their retiring pension. It would be unpardonable in me to repeat what I said on a former occasion as to the general merits of the measure; I may, however, mention an additional fact in justification of what I then said as to the dissatisfaction occasioned by the expense and delay incident to our very complicated system of judicature, under which a person may proceed in one Court in one way, and on reaching a certain length may be arrested and have to begin *de novo* in another way, and under which suitors are entangled in knotty questions, not as to whether their claim is well grounded, but as to whether they have taken the right mode of enforcing it. The fact I refer to is this—that I have received a deputation of gentlemen representing the profession of solicitors in Manchester, Liverpool, Newcastle, Sheffield, and Birmingham, who, representing different provincial societies, and expressing, as they assured me, the general feeling of that branch of the profession in those towns, urged that these reforms should be speedily carried into effect. I mention this to their honour; for no doubt the effect of the Bill will be to expedite the administration of justice, and everything tending to that result tends to diminish the time, labour, and cost to each individual litigant—though not, perhaps, to diminish business, for in that respect the present system exercises a deterrent influence. I have taken the two Bills and dealt with them together, in order that I might save your Lordships the trouble of listening to two speeches. Then the Bill adopts the recommendation of the Commission as to the abolition of the Home Circuit, for though of course it is not necessarily involved in its principle, it has seemed to be advantageous that the point should be considered in connection with it. The business transacted on the Home Circuit, as regards the business proper to the circuit, is of the smallest conceivable amount; but, owing to the difficulty of having all London causes despatched in London during the sittings of the Courts at *Nisi Prius*, a large number of cases are sent to one or other of the Assize towns on that circuit—generally to the one which transacts its business at the latest period—usually Kingston at the Spring, and Croydon at the Summer Assizes—producing a burdensome overflow of business. Of this the county, having to bear a considerable share of the costs of the protracted sittings, has great reason to complain, as also have the jurors, who have to sit on cases unconnected with the locality. Considering that from every town on the circuit London can be reached in two or three hours, the Commissioners unanimously recommended that the business of the circuit should be transferred to London, where, under the new system, by constant sittings at *Nisi Prius*, both London business and disputes in the counties themselves will be much more rapidly disposed of than at assizes held at long intervals twice a year. With regard to the second Bill, it takes away none of the privileges or authority of this House; but it gives a power, which your Lordships may or may not exercise, of appointing at the commencement of every Session a Judicial Committee, who will have power to sit at any period, whether the House is sitting or not, and will make a Report, which will have no binding effect until it is sanctioned by a vote of your Lordships' House. This would be a means of clearing off the arrears of appeals which I am sorry to say now exist, and are likely rather to increase than diminish; and I cannot too strongly urge the advantage of this, for many of the appeals—I am far from saying all or even the majority of them—are simply presented for the purpose of delay. Indeed, experience has shown that appeals increase exactly in proportion as there is a likehood of a long time intervening before the cause can come on. There is also a power of obtaining assistance from the Judicial Committee of the Privy Council, care being taken that in that case there shall be a majority of the Committee Members of this House; and the Bill likewise provides that such members of the Appellate Court as are Privy Councillors shall be entitled to sit on the Judicial Committee of the Privy Council; as also may the Chief Judge in Bankruptcy if a Privy Councillor. There will in reality be only one additional Judge, and the present Chief Judge in Bankruptcy will be placed in the position of one of the Judges of the divisions of the High Court, as his duties in bankruptcy will not necessarily occupy the whole of his time. In order that the Bills may be carefully considered by those who, having a thorough knowledge of the subject, have not yet had that opportunity, I propose to postpone the Committee for some time—for they may throw a good deal of light on points which will justly require consideration. There is, for instance, scarcely any provision as to the transfer of the patronage now possessed by various Judges, and that must be considered before the next stage.

Moved, "That the Bill be now read 2ª."—(*The Lord Chancellor.*)

Lord WESTBURY: My Lords, I have listened with much pleasure to the statement of my noble and learned Friend with regard to the leading provisions of his Bills. There are, however, some of the provisions of this Bill, which I have read with some feeling of despondency. I heartily agree with the deputation from the legal profession which waited on my noble and learned Friend, and I especially commend their anxiety that the enactments proposed in this Bill should have a speedy fulfilment. But I fear its provisions hold out no such hope. It is not to come into operation till November, 1871, when the High Court of Justice is to be called into existence. In the early part of the Bill, this Court is clothed in a very excellent way with all the jurisdictions and powers now appertaining to all the chief tribunals of the land. I had some expectation that the Court would at once enter on the fulfilment of that important duty, and that that mischievous barrier between jurisdiction in law and jurisdiction in equity would be effectually removed, and the wall rent in twain. I fear, however, that as the provisions of the Bill are worded, much delay is likely to be occasioned; because on reading further I find that certain things are not to be done until the majority of the members of the High Court—and they are many—shall have arrived at conclusions as to the rules to be laid down, and the procedure to be adopted, and as to a great variety of other matters. In fact, they are to shape the Bill rather than Parliament; and in the meantime, as the 19th clause tells us—

> "Subject to the provisions of this Act, and to any alteration that may be made by rules of court, the divisional Court of Chancery and the Judges thereof shall exercise the same jurisdiction and perform the same duties as they would have performed as Lord Chancellor and Vice-Chancellors if this Act had not passed;"

and so with regard to the Courts of Queen's Bench, Common Pleas, Exchequer, and all the rest. Thus, the existing abuses and evils are to be perpetuated until these rules are made, and this procedure comes into force. Why men may wander forty years in the desert before that is done. The youngest Peer will be a sanguine man if he expects to live to see that day; and the High Court of Justice will probably enter on its functions when the long promised Courts of Justice are ready for occupation. I entreat my noble and learned Friend to anticipate this delay, and to prevent it by sending it back to the Commissioners by whom this very excellent reform is recommended, to frame rules and a mode of procedure. Their Report may be considered by any noble and learned Friend and by the Government, and if necessary may be submitted to this House, so that when November, 1871, comes you may find the High Court of Justice ready clothed, instead of being naked and destitute, and able to enter at once on the glorious functions that you have provided for it. I do trust we shall not have to wait till the majority of twenty-one Judges have deliberated and arrived at a uniform conclusion upon subjects which will be fertile of controversy; for probably the Equity Judge will look at them from his point of view, and the Common Law Judge will regard them from his, and it is impossible to expect anything like unanimity or agreement for an indefinite period. The subjects which it is proposed to remit to them are of the greatest moment—the rules of procedure—the selection of the business to be heard before the High Court, the distribution of business among the divisional Courts, the transfer of business from one division to another—that probably might be within their competence — the constitution of the Courts as to the number of Judges, and the number of Judges required to concur in a judgment of the High Court. Surely these things should be settled by the wisdom of Parliament. Then there is a provision—which I confess I am at a loss to understand—that the quorum of a sitting for the High Court shall not be less than seven, and that the quorum of the divisional Courts shall be not less than three nor more than five; but the Bill goes on to provide that the divisional Courts shall be on an equality with the High Court, and shall exercise all its authority. So far, indeed, is that carried, that by Clause 6 the authority of the High Court is actually given to one Judge — the authority of twenty-one Judges being committed to a single individual. I must also call attention to the multiplication of Courts of Appeal. There is an appeal from the divisional Court to the High Court—appeal No. 1; then there is an appeal from the High Court to the Court of Appeal—appeal No. 2; and finally, there is an appeal from that Court to what is called the Ultimate Court of Appeal—namely, the transcendental region of your Lordships' House. Now this multiplication of appeals is very undesirable, for it enables the richer and more litigious suitor to harass his poorer opponent, and enables the man who really has no case to multiply delay and consequently expense, by carrying the cause from one tribunal to another. Now, having regard to the enormous amount of delay existing under the present system, and the enormous expense attendant on it, we may imagine what will be the consequence of this proposal: a case commenced in the divisional Court may be carried on appeal from the High Court, with a delay perhaps of twelve months, the appeal from the High Court to the Court of Appeal, with the delay of another twelve months—if the Court did not happen to be obstructed by the appeals already before it — and thence the suitor would have to go to the Ultimate Court of Appeal. Why, it may take eight or ten years before a cause gets finally settled. I hope my noble and learned Friend will not consent to the introduction of another Court of Appeal, which can only be a new source of delay and vexation. I will now call the attention of my noble and learned Friend to a matter which I am sure he intended to provide for, although it does not seem to be accomplished by the Bill as it now stands. I refer to that portion of the jurisdiction of the Court of Chancery which enables that Court to grant injunctions to meet or prevent some extraordinary or imminent evil. That jurisdiction is at present exercised conveniently and satisfactorily. An injunction may issue to prevent the sailing of a ship whose departure would be productive of much mischief; or to prohibit the continuance of a nuisance; or it might be directed against a large factory, or a mine or works of any kind. At present, if the Vice Chancellor makes an order which, if carried into effect might be injurious, the parties could bring the matter before the higher Court, and if the case is clearly an urgent one the appeal is determined within a very few days. It must have occurred to my noble and learned Friend, as it has happened to me when presiding in the Court of Chancery, to interpose within a week of the time when the order of the Vice Chancellor was made to prevent its execution in cases of pressing emergency. But I cannot find that this jurisdiction is preserved in this Bill, though it must have been the intention to retain it. In the 6th clause it is provided that the Lord Chancellor shall cease to exercise appellate jurisdiction as Judge of the Court of Chancery. The jurisdiction of which I speak is ordinarily called appellate jurisdiction, though perhaps not accurately; but whatever it is, the Bill clearly intends to take it away. If a Vice Chancellor in future should make an order which should be unsatisfactory to any of the parties, the only mode of intervention will be an appeal to the High Court of Justice—because the Vice Chancellor will represent a divisional Court; and thus the appellate jurisdiction of the Lord Chancellor, enabling him either to affirm or reverse an order within a few days, will be completely lost. That would be a great inconvenience, much to be regretted. I hope my noble and learned Friend will preserve this wholesome jurisdiction as it now stands, and not leave the party aggrieved to the slow and cumbersome means of relief provided in this Bill. I desire to know also why the jurisdiction in bankruptcy is not transferred to the High Court of Justice. Every thing but that jurisdiction is transferred. The 16th clause is so awkwardly worded, that I am unable to ascertain from it what will be the status of the unfortunate Chief Judge of the Court of Bankruptcy — I say unfortunate, because that Judge has served a long time without any augmentation of salary : but, whether he will become Vice Chancellor, or will get any pension, it is impossible to understand. By the portion of the Bill which refers to the Court of Bankruptcy it is declared that—

> "The existing Chief Judge in Bankruptcy shall hold the same rank and official name, and be entitled to the same salary and pension, as if immediately previous to the commencement of this Act, he had been appointed a Vice Chancellor."

But whether he is a Vice Chancellor or not does not appear. Again, it is said—"he is in this Act referred to as an existing Vice Chancellor;" and next, that the divisional Court shall consist of the Lord Chancellor and the existing Vice Chancellors. This ambiguity, it is true, is a trifling matter, and will be set right, no doubt, in Committee. Why, however, I repeat, should not the jurisdiction in bankruptcy be transferred as well as other jurisdictions? With regard to appointments, I hope the Government will not appoint aged men to the office of Judges. The great fault of our system is, that our Judges continue on the Bench up to too great an age. I have a right to say this, for I frankly admit that I am now approaching seventy, and that I am painfully conscious of declining powers which would undoubtedly unfit me to be long a Judge. I believe in America the age of retirement is sixty-six; and I doubt whether it is advisable that a Judge should hold his office long after that age; for at an advanced period of life, undoubtedly, there is a loss of quickness of apprehension, a failure of memory, and an incapacity of continued attention. Between fifty and seventy the judicial faculties may be in full exercise, but not after that period; and therefore I hope that the services of those who are entrusted to perform these important functions will not be extended beyond that age. With regard to the constitution of the Court of Appeal I have no objection to make. The difficulties I have pointed out I shall be most happy to assist in removing; and I trust my noble and learned Friend will not allow a considerable time to elapse before the Bill goes into Committee. So many points require attention that I am almost inclined to suggest that it should be referred to a Select Committee, in the hope that it would come back to us and reach the other House in sufficient time to pass into law during the present Session.

Lord PENZANCE: My Lords, as a Member of the Commission on whose Report the Bill is framed, I desire to express my gratification at finding that my noble and learned Friend has so faithfully reproduced in his measure the ideas and opinions which, after mature consideration by a Commission representing all classes, and including three attorneys of great eminence and ability, were ultimately arrived at. I am also glad to find that the noble and learned Lord who has just sat down (Lord Westbury) coincides with the Commissioners and with the noble and learned Lord on the Woolsack as to the desirability of a scheme of this character being carried into effect; and I am further glad to hear that my noble and learned Friend will render every assistance in his power with the view of carrying the Bill to a successful conclusion. But my noble and learned Friend appears to be troubled in mind on several points; and what seems to trouble him most is the distant period at which the proposed changes are to come into operation. He says the Bill is not to come into operation till November, 1871; but if he looks to the Bill he will find that November, 1871, is named as the latest date at which it is to come into operation, and that Her Majesty, by an Order in Council, can direct that it shall come into operation at an earlier period. No doubt the time at which it will really be brought into operation will depend on the interval which may be found necessary for the framing of the rules. My noble and learned Friend asked how can we expect the twenty-three Judges to be able to frame rules in a matter of such complexity, and in respect of which there will be so many different and conflicting opinions. Well, my Lords, if it would be so very difficult for twenty-three men more competent than any other in the kingdom to frame rules for the successful carrying out this measure, how does my noble and learned Friend expect that such rules could be framed, even by November, 1871, in the two Houses of Parliament, which of all places are the places where the drawing up of rules on so complicated a subject would be attended with the greatest difficulty? I know my noble and learned Friend proposes to refer the matter back to the Commission; but the Commission can only report again, and when it does so, the matter would still have to be brought before Parliament, and then, probably, under circumstances less favourable than exist at present. I hope I may administer some comfort to my noble Friend, whose appeals are quite pathetic, and who on this occasion as well as on a former one is "like the voice of one crying in the wilderness," or like one wandering in the desert. I hope the few words I have spoken will solace his feelings by showing him that the Bill can be more effectually and rapidly brought into operation by the course proposed by my noble and learned Friend on the Woolsack. My noble and learned Friend also objects to the scheme, on the ground that it will multiply appeals. If it would have that effect I should agree with him in objecting to it; because I believe there can be no greater evil in the administration of justice than a multiplicity of appeals; but I think that is not the intention of my noble and learned Friend on the Woolsack. The Bill merely establishes a Court of Appeal from the High Court, at the same time providing that the final appeal to your Lordships' House shall not be interfered with. The Bill therefore will give one good appeal and an ultimate appeal; so that, after all, the number of appeals will not be greater than it is at present. My noble and learned Friend called attention to a clause which he argued would give an appeal to the High Court. Now, as I understand the clause, what it gives is not an appeal, but an opportunity for the production of further evidence and for a re-hearing. And I would remark that this clause which provides for a re-hearing, and which is a subject of complaint by my noble and learned Friend, meets another difficulty which has been suggested. He says that if the Vice Chancellor makes an order that is unsatisfactory, there is no means provided for a re-hearing; but this very clause provides for a re-hearing before the High Court. Even if that were not so, the order of the Vice Chancellor would be matter of appeal which could be heard by the Court of Appeal. It will be found, my Lords, that throughout the two Bills provision is made for adjusting as between the Courts the cases according to their nature, and no doubt a rapid appeal can be secured in all instances where it is desirable. Having thus replied to my noble and learned Friend's objections to the Bill, I will trouble your Lordships with a few remarks on what seems to me to be its great merit. The defects which have existed for years in the Courts of Common Law have arisen from the want of a sufficient power in those Courts to adjust their remedies to the evils they have to redress. The Courts of Common Law have but one remedy for all complaints, and that is the assessment of damages. It is true that under a recent statute they may grant an injunction; but they have no power to compel the wrongful litigant to give redress for his wrong-doing except by damages. That is one grievance. Another grievance is that in the Courts of Common Law there is no method of trial, no matter how intricate or complicated the case, but trial by jury, however ludicrously inappropriate that form of trial may be for the particular case. In olden times no difficulty arose from that circumstance; but when commercial law, which took its rise about the time of Lord Mansfield, came to be administered, complex and technical questions came to be tried, for which, as I have just stated, trial by jury is ludicrously inappropriate. Take, for example, trials arising out of patents, which very often involve not only intricate technical questions, but discussions carried on in scientific phraseology quite beyond the knowledge of juries. An instance occurred some few years ago within my own knowledge. In a trial at *Nisi Prius* the question was as to the original instrument for which Mr. Wheatstone had obtained a patent. No fewer than fourteen or fifteen instruments of great delicacy were examined, there were numerous discussions in respect of the transmission of galvanic fluid, and a great amount of philosophic reasoning was carried on throughout the trial. Everyone felt that such a case could not be tried in a satisfactory manner by a jury, and that it ought to go to another tribunal. Again, in cases of art, of engineering, and of the collision of ships, technical language with which juries cannot be supposed to be acquainted must constantly be used. When the Bill introduced by my noble and learned Friend on the Woolsack becomes law, the combined Court will have power to summon to its aid scientific persons and persons of special knowledge, so as to constitute a tribunal suited to the nature of the case. The measure also meets another great evil which my noble and learned Friend (Lord Westbury) expatiated upon. I allude to the distinction which now exists between the Courts of Law and the Courts of Equity; but I should be saying what might lead to disappointment on the part of some of your Lordships if I said I expected that distinction will disappear immediately upon this Bill coming into operation. No; that alteration must take a long time. Your Lordships will bear in mind that the two systems have grown up side by side, the difficulties in common law having made redress in equity necessary as far as such redress could be effected. Well, those two separate systems have grown up. The Judges on one side of Westminster Hall are more or less ignorant of the practices of the Judges on the other side. The Bar is divided into common law and equity barristers; the attorneys are equally divided, so that I believe there is scarcely a respectable attorney's office in which there is not one clerk for equity and another for common law. It would be vain, therefore, to expect any new arrangement to at once get rid of a difficulty so gradually created, and which has brought about so marked a distinction between the two branches of the legal profession. But, my Lords, the Bill will do all that any legislative measure can effect in that direction. The Judges of what are now separate Courts will be brought into one Court; the two sets of Judges will meet together in the Court of Appeal, where they will mutually assist each other, and where they may become better acquainted with the details of the law administered in their respective tribunals. They will come together to frame rules and to apportion to each Court the business which it is best suited to discharge. But while the Bill does all this, there is something it does not do. It does not propose to throw all the business together to be taken haphazard by one or the other division. There will be a marked difference between the classes of cases sent to the Courts of Law and the Courts of Equity respectively. The distinction consists in this—that in the Courts of Common Law the questions in dispute between the parties are almost invariably questions of disputed facts; and for the elucidation of the truth of a disputed fact there is no trial equal to one at common law in an open court, with or without a jury, with witnesses and the attendance of skilled advocates. The Courts of Equity are engaged, for the most part, in the investigation of matters of a totally different character; they are largely engaged with suits of administration, with matters connected with the construction of wills, with the winding up of bankrupt companies, and with matters of account; they have under their charge, in a *quasi* administrative form, estates, and trust property which has to be administered from time to time. All these are matters obviously of a totally different character from those disputed questions of fact which find their way into the Common Law Courts; and therefore I rejoice that this Bill provides for the re-distribution of business, by which the class of business which flows into the Common Law Courts shall find its way to the common law division, and the class of business which flows into the Courts of Equity shall find its way to the equity division of the Court. The Commission on which I had the honour to serve considered the question of appeals with very great care, and they were of opinion that if there could be but one Court of Appeal, which should enlist the services of those most distinguished in both branches of the profession, and which should attract the consideration and confidence of the public both by the Judges who might sit in it and by the way in which it would work, a great object would be attained. It was thought, not unreasonably, that if there was one such Court of Appeal the suitors might be content with it, and would not come to this House so frequently. I own, however, I regret to find, as I read the Bill, that my noble and learned Friend has hardly constituted the Court of Appeal in the manner in which I think the Commission intended it should be done. The Commission reported that it should consist of the Lord Chancellor, two Lords Justices, the Master of the Rolls, and three permanent Judges; and certainly it was not in the contemplation of the Commission that, instead of two Lords Justices, only one should be retained, and that his salary should be reduced, subject to the existing life interest. I would suggest to my noble and learned Friend on the Woolsack whether he will not reconsider this matter carefully, and see whether he cannot more closely adapt the constitution of his Court of Appeal to the one proposed by the Commission. But matters of detail will be more properly dealt with in Committee, and I hope the House will now assent to the second reading of the Bill.

Lord ROMILLY: My Lords, although this is the proper occasion for discussing the principle of the Bill, yet, as I believe most of your Lordships are agreed on this point, I should not now have addressed your Lordships, but have reserved what I have to say to those matters of detail which can be best dealt with in Committee, were it not for two of the statements made by my noble and learned Friend who has just spoken (Lord Penzance), which are so important that I cannot help calling attention to them; because, if your Lordships adopt my noble and learned Friend's view, it will be useless passing this Bill, and you might as well stop the whole matter. My noble and learned Friend said that by degrees there will be a fusion of law and equity, but that in the nature of things, actions at law are distinct from suits in equity, and that the one must necessarily be given to the one division of the proposed Court, and the other to the other division. Now, if that is to be done, does it not necessarily imply a distinction between law and equity? If my noble and learned Friend is right in holding the distinction between law and equity to be natural and inevitable, you can never fuse them; you can only effect some stupid combination, as in the case of the old Court of Exchequer, where the Judges, endowed with all the powers, and entrusted to exercise all the functions necessary for determining actions at law and suits in equity, were more sedulous in keeping up the distinction than any other Court in the kingdom. My noble and learned Friend also says that the Court of Chancery does not deal with complicated and disputed questions of fact. I appeal to noble and learned Lords present who have sat on the Woolsack whether it is not one of the great duties and functions of the Court of Chancery to settle disputed matters of fact. Whether it is not a great evil that this should be done by affidavits, instead of by *vivâ voce* testimony, is another question. But to some extent *vivâ voce* testimony has been introduced into that Court. I do not deny that juries are fitter for trying some cases than for trying others, nor that there are some cases which are not fit for juries at all; but why should not the Court of Chancery determine questions of fact in the manner most suitable for the purpose; and why should not a Court of Law decide the construction of a will as well as the Court of Chancery? Again, it has been asked whether there would not be a greater number of appeals under the Bill as it stands than was intended by the noble and learned Lord on the Woolsack; and my noble and learned Friend who spoke last says they are not appeals, but re-hearings. But if an appeal is bad, a re-hearing is ten times worse. A re-hearing is merely having the cause over again on fresh evidence; the result is this—a suitor brings forward a part of his evidence which he thinks will prove sufficient, but the Court of Chancery comes to the decision that it does not support his case, stating the reason why it does not, and pointing out the weak parts of it; whereupon he applies to get a re-hearing, and produces fresh evidence to remedy the defects the Court has exposed; and the result is that a re-hearing acts as an inducement for perjury, and by it litigation is perpetuated at a very serious expense. The late Sir James Graham, who took a very great interest in this matter, arrived at the conclusion that there ought not to be such a thing as a re-hearing. If, indeed, a manifest mistake had been made in some Court, it might be set right with the consent of the Court, but these cases are rare.

Lord PENZANCE: The re-hearing would be subject to the rules of the Court.

Lord ROMILLY: No doubt; and, therefore, it is of great importance to lay down rules of the Court which would prevent these re-hearings. As a rule, the case, when taken to a superior Court, should be heard on the same evidence as it was in the Court below, as is now the practice in your Lordships' House. I hope my noble and learned Friend on the Woolsack will give his attention to these points, and I shall be happy to render him every assistance I can. I am quite certain my noble and learned Friend will never think of perpetuating a system which enables people to go on re-hearing and re-hearing, producing their evidence by driblets, and, after all, to go to a Court of Appeal. These points are, however, in reality, matters for Committee. I trust he will postpone the Committee on the Bill till after Easter, for the measure is one which requires great consideration.

Lord CHELMSFORD: I quite agree with the noble and learned Lords who have spoken that the principle of this Bill is most important; but I cannot help expressing my regret that it has been presented to us in what I must deem an imperfect shape. I concur in what my noble and learned Friend (Lord Westbury) has said as to the importance of having rules of procedure laid down for consideration. The noble and learned Lord on the Woolsack says he has been very much pressed to get this Bill forward as soon as possible; but I think it would have been far better if it had been made more perfect before its introduction—especially as regards the rules of procedure, seeing that it will not come into operation till November, 1871. The

High Court will not be constituted till that time, and it will not begin its work until these rules are established. It is said that an Order in Council may direct it to come into operation before that date; but if no such Order is issued it will not come into operation any sooner than that. It has been observed that it would be infinitely better that the Judges should have imposed on them the duty of framing the rules, as Parliament is a very unfit assembly for that purpose. I agree in that; but my noble and learned Friend (Lord Westbury) suggested that the matter should be sent back to that competent Commission which reported on the subject, in order that the Commissioners may frame the rules. My noble and learned Friend is aware that when great alterations were made in common law procedure, in 1854, there were rules framed by the Commission, and these rules were afterwards embodied in an Act of Parliament, which contained 400 or 500 clauses. If that were so in the former case, it follows that there must be a very great number of rules framed for the procedure under this Bill; and, besides the delay which will arise before the High Court of Justice is constituted, for the purpose of ascertaining its powers, there will be very great difference of opinion among its members, and very considerable delay — though probably not so much as my noble and learned Friend (Lord Westbury) anticipated — before the rules can come into operation. I desire, therefore, that this matter should be referred back to the Commission, that the Commission should make the rules, and that Parliament then should consider them. I hold that the rules of procedure, most important as they are, should be laid before Parliament for consideration; and no doubt, emanating as they would from so excellent a Commission, Parliament, after deliberation, would adopt them. I was anxious that my noble and learned Friend on the Woolsack should explain the clause for abolishing the Home Circuit—because I observe that in all places on this circuit to which the Judges have gone there has been a sort of presentment made by the grand jury against the abolition of that circuit. I was myself for twenty or thirty years connected with the Home Circuit; I know it intimately, and I can testify that what my noble and learned Friend has said is correct—that the great majority of the cases on that circuit are carried there from London and Westminster. There is one point in connection with the proposed abolition of this circuit to which I wish to call attention. It refers to the criminal cases. The Bill provides that all criminal cases which but for this Act would have been triable in London or Westminster shall continue to be triable there; but that all other cases arising within the Home Circuit should be triable at Westminster. But it should be remembered that this would include cases in Sussex, which is far beyond the reach of the jurisdiction of the Central Criminal Court, and I hardly believe that it is the intention of the Bill that criminal cases of that kind should be brought up to Westminster to be tried. With respect to the proposed constitution of the ultimate Court of Appeal in this House, I consider that to be a very important matter. Your Lordships are quite aware that it has been a question for many years whether the jurisdiction in appeals should not be removed from this House. Various opinions have been entertained on the subject, and I very much regret that that question, when this most important measure was introduced, was not decided one way or the other. My noble and learned Friend on the Woolsack will forgive me if I say that this Bill seems to me to halt between two opinions in this matter, because he has substantially removed the jurisdiction of this House, although he retains the empty form. According to the 16th clause—

> "It shall be lawful for the House of Lords at the commencement of every Session after the commencement of this Act to appoint a Committee, to be called 'The Judicial Committee of the House of Lords,' consisting of such members of the House as have at any time held any judicial office, and such other Peers as the House may think fit. The Judicial Committee shall have power to sit for the hearing of appeals during any recess or prorogation of Parliament."

And then comes a proviso empowering this Committee to call to their assistance any member of the Judicial Committee of the Privy Council, not as assessor, but having power for the time being, and holding the same position as if he were a Peer duly appointed by the House of Lords as a member of their Judicial Committee. Then, to prevent the members of the Judicial Committee who are Peers of Parliament from being outvoted by those who are not, it is provided that in all cases there shall be present a greater number of members of the Judicial Committee of the House of Lords than members of the Judicial Committee of the Privy Council who are not Peers of Parliament. Now, that seems to me to introduce an entirely new principle, while it is, at the same time, a clumsy contrivance for avoiding a difficulty. Your Lordships are aware that at present appeals are supposed to be heard by the whole House; a debate ensues, and the Question is put by the noble and learned Lord on the Woolsack to the House, who vote upon it. What is to be the course which this new Committee is to pursue? They are not to deliver a judgment, but to express an opinion. What is this but a semblance of preserving the appellate authority of this House? The Committee are to report to the House and to recommend the affirmation, reversal, or variation of the decision of the Court below, or such other course as they may think fit with reference to the matter in appeal. Then, what is the House to do? The Bill says—"The Report of the Judicial Committee of the House of Lords is not to be conclusive until it has been confirmed by the House." Then, has the House the power to refuse assent to the opinion of the Committee? If not, it is an idle form to report to the House; if it has, is there to be a debate on the Report of the Judicial Committee, and is there to be an appeal upon an appeal? It appears to me that this is a most inconvenient and improper mode, by a sort of side wind, of getting rid altogether of the jurisdiction of this House in appeals. I see no objection at all to calling in the Members of the Privy Council as assessors; but I have a great objection to putting them exactly in the same position as the members of the Judicial Committee of this House, making them to all intents and purpose Peers *pro hâc vice.* I want to know also, when the Judicial Committee is appointed are our services to be compulsory? The noble and learned Lord (Lord Westbury) has spoken of the decay of our faculties at a certain time of life. I see no appearance of such decay in him at present; but if a Committee is to be appointed in this way, as we are not ourselves very sensible of the decay of our faculties, I think there should be some limit laid down, and that no man should be compelled to serve after a certain age. I have myself attended almost all the appeals in this House, and shall always endeavour to perform my duties; but I confess I should feel it a hardship if I were compelled to serve after a certain time of life, instead of being left to my voluntary sense of action. I certainly very much regret that when this great and important measure was introduced it was not proposed to constitute one great Court of Appeal, consisting of Judges of high dignity, who might receive the cases which now come before the two High Courts of Appeal—the Privy Council and the House of Lords. I think that would be a most desirable thing, and that it would be infinitely better than preserving the appearance to this House of having authority over questions of appeal, and indirectly undermining that authority.

Lord PENZANCE: The question was never considered by the Commission.

Lord CHELMSFORD: I regret very much that it was not, because I think it one of the most important questions that could come under consideration. I think our appellate jurisdiction is now a mere form. I must confess that I have considered the subject, and I entertain a very strong opinion that it would be desirable to constitute one High Court of Appeal such as I have shadowed forth, which would determine all cases of appeal that might arise.

Lord DENMAN objected to the High Court of Justice Bill, because whilst it prevented the Lord Chief Justice of the Common Pleas and the Lord Chief Baron from having any successors in their offices, it impaired their authority and dignity as heads of a divisional Court. Every suitor had the right of selecting the tribunal before which his cause should be heard; whereas this Bill would deprive him of that right. Again, great confusion must arise from the distribution of business over the several Courts. For the above reasons he objected to the principle of the Bill, and its second reading, he also reserved to himself the right of opposing it at every stage.

Earl GREY: My Lords, though I do not belong to the legal profession, I must express the great interest with which I heard the concluding words of the speech of the noble and learned Lord near me (Lord Chelmsford). I have long been of opinion that the appellate jurisdiction in the House of Lords is become a mere form, and that, therefore, the honour, dignity, and character of this House would be best consulted by our giving up a power which, in actual fact, ceased to exist long ago, instead of adopting the device which has been so well exposed by my noble and learned Friend to whose speech I am referring. What we want is a measure by means of which some real and efficient Appellate Court can be constituted, and this House thereby relieved from the duties it has at present to perform. How can it be said that this House takes any real part in the decision of appeals, when all its Members, except the Law Lords, have long ceased practically to interfere in these proceedings? It is true the lay Peers are sometimes asked to be present during the hearing of appeals, and for some time after I came into this House there was a practice of requiring Peers to attend the House in proper rotation when it was sitting as an Appellate Court. But they never came here for the purpose of taking a real part in judicial proceedings; and, for my own part, I invariably refused to attend as a mere puppet to make a quorum and register other men's decisions, and said that if I was forced to attend I would vote according to my judgment and would not be controlled by any Law Lord or any number of them. Considering, however, the complicated character of the questions that come before the House on appeal, I think it is far from desirable that Peers who have had no education or practice in the law, should be called upon to give an opinion upon them. Technical knowledge seems to me indispensable in the persons composing the Court, and therefore the sooner we, as a general body, give up the exercise of functions we cannot properly perform, the better it will be. In conclusion, let me express a hope that in dealing with this question noble Lords will not forget another question which affects them personally. I allude to the importance of having to preside over our deliberations a Speaker invested with proper authority to conduct the debates in an orderly manner. No one who has watched the progress of this House for some few years past can help seeing that we are becoming much too numerous an assembly for our business to proceed with proper decorum unless we have some such president as I have alluded to. Could anything be much more undignified than for three or four noble Lords to be on their feet at once, each one trying to speak louder than the other, and the House having at length to settle the question of precedence in speaking by a vote of the whole body?

EARL GRANVILLE: I venture to suggest that if we had a Speaker now he would point out to the noble Earl that he is out of order in introducing this question at the present moment.

EARL GREY: On the contrary, my Lords, a Speaker would have ruled that it is the interruption of my noble Friend that is disorderly; for if he had had patience for a moment he would have found that what I was saying, as to the need of a Speaker, has a direct bearing on the question we are now discussing. We cannot, under our present arrangements, have a Speaker, because it is impossible to confer the authority which an impartial Speaker ought to possess upon the Lord Chancellor, who is himself a member of the Ministry, and deeply interested in political contests. But this difficulty would be removed if we had an Appellate Court differently constituted, having at its head a permanent Judge, who might also preside over the deliberations of this House. That would be a great advantage, because I think it a great anomaly that the highest seat in the Equity Courts should be occupied by a learned Judge who goes out of office with each change of Ministry, and I should say it would not be difficult to adopt some plan whereby this anomalous state of things could be put an end to, and your Lordships' House provided with an authoritative President, without the dignity of the Lord Chancellor's position being in the least degree impaired. There are at the present moment most important functions that might be assigned to the Lord Chancellor, with great advantage to the country, if he were relieved from his judicial duties; and I therefore hope some steps will be taken by the Government in reference to this matter.

THE DUKE OF RICHMOND: I shall not interpose in the present debate for longer than a few minutes. I cannot, I confess, quite agree with my noble Friend (Earl Grey) in reference to the removal of the judicial business from this House to a Court of Appeal hereafter to be constituted. I think it is a subject which requires great and mature deliberation before we adopt it. As at present advised, I think the system has worked well, and I should not be disposed to assent to a sweeping change without much further consideration of the question than it has at present received. With regard to the High Court of Justice Bill, and what has been said on the subject of abolishing the Home Circuit, and removing to London the legal business usually transacted on that circuit, I would say a few words. So far as the civil business is concerned, I say nothing; but I must be allowed to express an opinion that the removal of the criminal trials would lead to great expense and inconvenience — speaking particularly with reference to the county of Sussex — and it would have this further great disadvantage, that it would prevent the county magistrates from seeing the administration of justice by the Judges at the Assizes, and deriving valuable hints for their own guidance when sitting in courts of petty sessions, which, though not so important as Assize Courts, are still institutions of considerable value. I shall not pretend to discuss the merits of these Bills, but will simply express a hope that the Lord Chancellor will carefully consider the last point I have referred to before he recommends the House to take any decided step.

Lord REDESDALE: I cannot help thinking that it would be a great blow to this House to deprive it of the appellate jurisdiction it at present exercises. I disagree with the noble Earl (Earl Grey) who thinks the House has discharged those duties in a manner unsatisfactory to the country and discreditable to the House. I believe that the exact opposite of that opinion would convey the truth of the case. I believe at the same time that the machinery for the exercise of appellate jurisdiction might be improved by a plan I have myself suggested on more than one occasion —namely, by attaching peerages to certain high judicial positions as they are at present attached to bishoprics. I cannot see why the Law should not be represented in this House in the same manner as the Bishops represent the Church. Such a course would, in my opinion, remove any objections that may still remain in the minds of certain noble Lords.

The LORD CHANCELLOR: My Lords, I wish to say a very few words with reference to one or two remarks that have fallen from noble Lords on the present occasion. What has been said on the subject of the judicial business of the House possesses great interest. I have acted, in reference to this measure, on the assumption that the House would be unwilling to part with its judicial authority, and so far from expressing any opinion on the question I rather avoided doing so. I have since had so clear a manifestation of the will of the House that I think it would be dangerous at the present time to propose any measure with that object. I must protest against the charge that has been made against me in the course of the discussion of having resorted to a "device" in order to wrest the jurisdiction from the House of Lords. So far from that being the case, I think that the operation of the Bill I have proposed will do more to secure that jurisdiction than any other means that could have been proposed. I am quite satisfied that matters cannot go on in the course in which they are now proceeding. We are at this moment, owing to changes from time to time in the occupancy of the Woolsack, well supplied with Law Lords, and we have also had the advantage of adding to this House a noble and learned Lord from Scotland (Lord Colonsay) who takes a constant part in the legal business of your Lordships' House. As regards the proposition of my noble Friend (Lord Redesdale) to attach peerages to the tenure of certain offices, I am afraid that would not be of the slightest use in the conduct of the Public Business. We have a proof of this in the case of the two noble Lords who have addressed us tonight, neither of whom, owing to each of them being engaged in the business of his own Court at the very time they would be required in this House, is able to take any active part in the business of the appellate jurisdiction. On the other hand, just see the position in which the House is placed when we have not that abundant assistance which of late we have had—for I think that three or four persons qualified to hear appeals are really sufficient to form a Court of Appeal. The manner in which appeals are heard by this House has long been a reproach to us. It is sometimes objected that we ought not to introduce "the intelligent foreigner" into our debates; but I recollect an occasion when it was my fortune to introduce an intelligent foreigner, now occupying a high judicial position in France, into this House, while an appeal was actually being heard. He saw the Lord Chancellor sitting together with a Law Lord and another noble Peer, who was not a lawyer. Unfortunately, the appeal lasted two or three days, and my foreign friend, who understood English very well, and was much interested in the proceedings, came again and saw the Lord Chancellor with the same Law Lord, but a different lay Lord; and on the third day the lay Lord was changed again. Thereupon he asked—"Is this your way of doing business?"—adding that it seemed to him a perfect farce to call this an appeal from the Lord Chancellor, if such appeal was meant to be effectual. The visit of my foreign friend occurred some time ago; but last summer my noble and learned Friend (Lord Colonsay), of whom I have already spoken as being at all times in his place at the hearing of appeals, was kind enough to assist me in the hearing of a Scotch appeal involving questions of very complicated Scotch law; and though all lawyers who have been properly trained can bring their minds to bear upon anything which is capable of being presented in the shape of a legal argument—I confess that it was a case in which I should have been sorry to sit alone. We had the assistance of a Bishop one day, and the next day that of the lay Lord who has addressed us to-night. No doubt, had he been asked, he would have been perfectly prepared to have aided us with his judgment, but then he had only heard half the case. I was not aware that I had been guilty of any "device" in proposing that a Judicial Committee might be appointed if your Lordships thought fit—certainly nothing of the kind was intended on my part. If the present constitution of the House for the purposes of the appellate jurisdiction satisfies public opinion, nothing need be done under the scheme. The Committee will be empowered to call in assistance should it think it desirable, but it will not be compulsory upon the Committee to do so, and if assistance from outside the House be called in the legal members of your Lordships' House, under an express provision to that effect, will still be always in the majority. Your Lordships, however, will remember the case of O'Connell, when a number of noble Lords attended with the object of taking part in the decision when the Chancellor put the Question from the Woolsack, and were only restrained by the good sense of a noble Lord—I believe a Conservative—from an exhibition which would have been fatal to the appellate jurisdiction of the House. I assure the House that I am not given to devices, and if I were this would be a very transparent device. In introducing the proposal I had no other object than that of making your Lordships' House what an Appellate Court ought to be, and of enabling the business to be got through as speedily as possible; for, as your Lordships are aware, hitherto we have not been able to sit during the Recess. My noble and learned Friend who followed me this evening (Lord Westbury) was a little jocose, and I do not think could have given his attention seriously to the provisions of the Bill when he spoke of the operation of the High Court being postponed to some indefinite period, or the Greek Kalends. He held that it would be impossible ever to get the assent of twenty-three persons to any code of rules of procedure; seven being, as I ought to point out, a quorum. But I entertain more sanguine hopes of agreement than he does, for I find that in a year and a quarter the Judicature Commission agreed to a Report dealing with far more serious matters than those rules, which I should think would take two or three months in framing. The members of that Commission were twenty-three in number, and they never could attend any meeting until after four o'clock in the afternoon, when they were released from their other duties. As to saying that it is not intended that anything shall be done, because we propose that until the new rules are made the existing system shall continue, let me point out how fallacious this is. If we annihilate all that now exists, and delay were to occur in framing these new rules, justice could not be administered throughout the kingdom. As to the hearing of criminal appeals, I admit that the clause goes beyond what was intended, and will require amendment. And as to the criminal business of the Home Circuit, that also will require consideration, and the noble Duke's experience in these matters ought to secure to his remarks every attention. But I do hope that the provisions of the Bill regarding the judicial business of this House will be seriously thought of. I am quite ready to strip the Bill of anything that may be considered a "device," as long as its substance is carried into effect. I thought at one time my noble and learned Friend was about to declare in favour of the abandonment of this jurisdiction altogether. I cannot now say whether personally I should have been pleased to hear such a declaration; but if the House is reluctant to part with its jurisdiction then, I say, let it be made effective.

LORD CHELMSFORD: I am not aware that I used the word "device;" if I did so I withdraw it. But I quite agree with what my noble Friend says of himself—that he is incapable of a device.

Motion *agreed to*; Bill read 2ª accordingly.

APPELLATE JURISDICTION BILL.

(*The Lord Chancellor.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD DENMAN expressed his belief that the country was satisfied with the decisions of their Lordships' House; but reminded the House that the Judicial Committee was not so appointed as to prevent noble Lords from exercising their own judgment. Sir William Temple had only expressed a wish that no Peer under thirty years of age would vote on an appeal. If noble Lords would only attend and hear the whole of the arguments, he thought that the opinion of Sir William Temple that being men of large possessions their decisions would be careful and much respected, ought to induce lay Peers—those who well knew how to make laws—to attend to the final decision of them; and he thought it would be of great public advantage that fresh minds should be brought to the consideration of the important questions sent for decision to the first court of justice in the country.

Bill read 2ª.

COINAGE.

MOTION FOR RETURNS.

LORD KINNAIRD said, he hoped there would be no objection to grant the Returns which he had asked for, in the form in which he had now placed his Motion upon the Paper.

Moved, That there be laid before this House:

1. Statement showing the average result of the assays of bars for coining Gold Moneys on each day's melting and on each total coinage from 1851 to 1869 inclusive; also showing the assays of ingots produced by melting light or worn coin culled from circulation when such coin has been melted for re-coinage: [*Tabular form.*]

2. Statement showing the various sums paid by cheque by the Master of the Mint to the Bank of England in consideration of loss or waste by coining Silver; also exhibiting any gain or increase, and its amount: [*Tabular form.*]—(*The Lord Rossie.*)

THE MARQUESS OF LANSDOWNE said, he had inquired into the accuracy of the statement which he made on a former occasion—that the Returns asked for were too voluminous to be obtained with any corresponding advantage; and he still remained of the same opinion. The information, however, which the noble Lord had asked for as to the assays of bars could be obtained at the Mint in case he desired to apply for it. No Return was kept specially as to light or worn coin when this was melted for re-coinage. Ingots were received as ingots and not of any special composition. With reference to the other Returns moved for, he had to state that no sum was paid to the Bank of England in consideration of loss or waste by coining silver. There was no account between the Mint and the Bank on the subject.

On Question? *Resolved* in the *Negative*.

COINAGE BILL—[BILL 36.]

(*The Marquess of Lansdowne.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF LANSDOWNE, in moving that this Bill be read a second time, said, he would confine himself to explaining in very few words its general scope and object, trusting that their Lordships would reserve criticism of the several clauses till it got into Committee. The main object of the Bill was to codify the rules and regulations relating to coinage, which were at present contained in a variety of documents very inaccessible to the public. No innovation of any kind, no new principle, was introduced in the Bill. The only new arrangement was one which transferred the Mastership of the Mint to the Chancellor of the Exchequer, which he hoped would not be considered an objectionable arrangement. It was found during the life of the late Master of the Mint that the executive and routine duties of the office might be admirably discharged by the Deputy Master, and the Parliamentary duties by the Chancellor of the Exchequer. That was the only new proposal in the Bill.

Moved, "That the Bill be now read 2ª."—(*The Marquess of Lansdowne.*)

Lord KINNAIRD said, he would not oppose the second reading; but the Bill contained provisions which affected the public interests to a very great extent. The Mint was a public establishment of the highest importance, and it was essential that it should be superintended by a head who thoroughly understood the business of the Department. He considered it most objectionable to abolish the Mastership of the Mint for the sake of a miserable economy. In 1857-8 frauds to a considerable extent had been discovered going on in the Mint, and the working of the establishment required the very strictest watching. Yet the Mint was to be left without a head connected with the Department. He would not oppose the second reading, but, on the Order for going into Committee, he should move that the Order be discharged, and that it be referred to a Select Committee.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

TRANSFER OF LAND BILL [H.L.]

A Bill to facilitate the transfer of Land—Was *presented* by The Lord Chancellor; read 1ª. (No. 41.)

House adjourned at half past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 18*th March*, 1870.

MINUTES.]—Supply—*considered in Committee* — *Resolutions* [March 17] *reported* — Navy Estimates.

Public Bills — *Ordered—First Reading*—Real Estate Succession * [81]; Metropolitan Buildings and Management * [80].

Second Reading—Elementary Education [33].

Committee—Report—Judges Jurisdiction * [60]; Consolidated Fund (£9,564,191 7*s*. 2*d*.)

Report—Inverness County, &c. Boundary * [38].

Considered as amended—Dublin Collector-General of Rates Franchise * [61].

ARMY—THE YEOMANRY.—QUESTION.

Mr. STOPFORD said, he would beg to ask the Secretary of State for War, Whether he has determined to discontinue the training of detached troops of Yeomanry; and, if so, when they are to be disbanded?

Mr. CARDWELL: Sir, if the detached troops can join their county regiments without causing an excess of establishment, they may do so; if not, they may become mounted Rifles. In this case they will cease to be borne on the Yeomanry Vote at once, and no allowance for their training will be issued this year.

PRISON WORKSHOPS.—QUESTION.

Colonel BERESFORD said, he would beg to ask the Secretary of State for the Home Department, Whether steam power has been supplied in the workshops now established in several of the prisons in England, where the manufacture of various articles is carried on, or in any of them; and, if it be true that the goods, or any of them, so manufactured or hand made, are sold below the ordinary market price, thus competing unfairly with free labour?

Mr. BRUCE: As far, Sir, as I have been able to ascertain, steam power has been applied in the workshop of Wakefield Prison alone, but the articles manufactured there are not, as I understand, sold under market price. All the articles manufactured in convict prisons are sold to the Government, with the exception of mats, which are sold to the public, but not under market price.

IRELAND—STAMP DUTIES ON LEASES. QUESTION.

Mr. PIM said, he would beg to ask the First Lord of the Treasury, If he has considered whether it would not be right, with a view of encouraging the leasing of Land in Ireland, to reduce the Stamp Duty on all Leases under the Irish Land Bill to a uniform sum, say 1*s*., and further to take means under the Act to lessen the cost of Leases in other respects?

Mr. GLADSTONE: Sir, as regards the first part of this Question, I have to state that my right hon. Friend the Chancellor of the Exchequer is considering the subject of the stamp laws in Ireland; and, in particular, that we shall endeavour to see whether we cannot effect a better adjustment between the duties payable on leases and those payable on other descriptions of tenancy. It is unquestionably desirable that people should not be put to a disadvantage in this respect if they take leases; but I cannot say I think it will be possible for us to reduce this duty in any case to so low a figure as is indicated by my hon. Friend, for the duties on leases bear upon other matters involving important branches of revenue, such, for instance, as transfers of property. I shall shortly be able to announce whether we can do anything in reference to this subject. With regard to the latter part of the Question, I may say that we are considering whether we can do something towards reducing the cost of leases and simplifying the process of preparing them, by suggesting a form of lease in the Bill. I cannot, however, give a positive answer on this point at present.

JAPAN—NATIVE CHRISTIANS.

QUESTION.

Mr. WHITE said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether he has received any official information as to the correctness or otherwise of the statements in the "London and China Telegraph" of the 7th and 14th instant of the expulsion by the Japanese authorities of the native Christians from the Treaty Port of Nagasaki; and, whether Her Majesty's Minister Plenipotentiary unavailingly endeavoured to induce the Governor of Nagasaki to postpone their expulsion for twenty days to give Sir Harry Parkes time to confer with the Representatives of the other Treaty Powers and the Superior Authorities at Yedo?

Mr. OTWAY replied, that the Government had received official information on the subject referred to in his hon. Friend's Question, and he regretted to say that the statement it contained was substantially correct. This was the more to be regretted because at the beginning of last year Her Majesty's Government were informed by the Japanese Government that, the authority of the Mikado being now established, it was their intention to pursue a lenient policy towards the native Christians. Sir Harry Parkes was thereupon instructed to convey to the Japanese Government the satisfaction of Her Majesty's Government at finding that such a policy was to be pursued. It appeared that in the month of January last Sir Harry Parkes was on a visit to Nagasaki, and was informed by the Consul there that the Governor of the place was proceeding to deport the native Christians into the interior. Sir Harry immediately called upon the Governor, remonstrated with him, and urged him to abstain from carrying out this deportation until the authorities at Yedo could be communinated with. The Governor, however, stated that his instructions were peremptory. Sir Harry Parkes then proceeded to Yedo, and the Representatives of all the Foreign Powers there addressed a Note to the Japanese Government on the subject. Her Majesty's Government had reason to believe that this representation on the part of all the European Powers would bring about some effect on the Japanese Government. They said they had no intention to persecute Christianity as Christianity; but that the converts were disorderly persons, who adopted a foreign religion in order to obtain foreign protection. The result of the representation made to the Japanese Government was that orders were sent to stay proceedings at Nagasaki, or rather at the place in the neighbourhood at which these Christians resided, which was not within the terms of the treaty. Her Majesty's Government, he was sorry to say, had reason to believe that those orders arrived too late, as 2,800 Christians had been deported, and only about 200 allowed to remain.

ARMY—RE-ENLISTMENT.—QUESTION.

Colonel C. LINDSAY said, he would beg to ask the Secretary of State for War, Whether it is not his intention to give to soldiers who enlist upon the conditions of the new scheme for recruiting the Army, the option of re-engaging, by successive periods or otherwise, up to the twelve years of their engagement, provided their characters and health are good; whether, if at the expiration of that period with the standards (provided their characters and health as soldiers are still good), they will not have the option of re-engaging for nine years more, according to the existing system—(which he understood was not to be abolished)—for the purpose of making the Army their profession, if they choose, of completing their twenty-one years, and with the view of receiving their pension on discharge; whether the Commanding Officer's veto upon a soldier's application to re-engage is to be discretionary, or whether it will not be confined to the question of his character and health; and, whether those soldiers who may have become non-commissioned officers in their regiments, and who have passed into the first Army Reserve, will be permitted to retain their rank; and, if not, from what source will the non-commissioned officers of the first Army Reserve be drawn for training purposes?

MR. CARDWELL: Sir, it is proposed that the engagement shall be for twelve years, of which a fixed number in each case will be with the standards and the remainder in the Reserve. If, when the short service is coming to an end, the soldier is willing to re-engage, and Her Majesty's Government are willing to accept his services, he may re-engage for nine years, making in all twenty-one years. It will be a reciprocal choice on the part of the authorities and the soldier, and not an option on the part of the soldier alone. It is proposed to have only a certain proportion of long-service men in the Army. The object of training these men is to incorporate them, when an emergency arises, into battalions already existing. The time for determining what non-commissioned officers will be required for purposes of training will arrive when the force has acquired consistency and number, and the arrangements will probably be similar to those which are now in force for the Pensioners.

ARMY—NETLEY ARMY MEDICAL SCHOOL.—QUESTION.

MR. GROVE said, he would beg to ask the Secretary of State for War, Whether it is considered desirable to retain the appointment of Assistant Professors at the Army Medical School at Netley; whether the Officers employed at the Army Medical Board are appointed for five years, in accordance with the regulations for Staff employment in the Army; what are the particular duties performed by Staff Surgeon Fitzgerald, of the Army Medical Board, and whether that officer has not been employed there continuously since the termination of the Crimean War, and also been promoted to his present rank while so employed without undertaking any term of Foreign service; and, whether the retention of Staff Surgeon Fitzgerald and other Officers of the Army Medical Board beyond the period of five years, is fair in principle as compared with other Medical Officers of the Army?

MR. CARDWELL: Sir, as I stated last year, advantage was taken of the circumstance of there being no new pupils at the Army Medical School at Netley to bring down a number of older medical officers who had returned from India and the Colonies, without having had the advantage of being trained at Netley. This has been found very advantageous. It was thought expedient to reduce the number of Staff assistant surgeons instead of the assistant professors, and to allow the latter to discharge the duties previously discharged by the Staff assistant surgeons. There are four assistant professors; three assistant surgeons have been reduced. The officers employed at the Board are not appointed for five years. The Director General is appointed for seven years, the others for no definite period. Staff Surgeon Fitzgerald is employed in the control of medical supplies and the examination of medical accounts. It has not been thought expedient that the controller of these supplies and accounts should be changed every five years. Dr. Fitzgerald was at the Medical Department in 1859, in which year he was promoted on the ground of seniority. These regulations have been laid down by my predecessors, on the ground not of fairness to the parties, but of efficiency in the service.

INDIA—PUBLIC WORKS.—QUESTION.

MR. KINNAIRD said, he wished to ask the Under Secretary of State for India, Whether the Viceroy has issued orders to stop further expenditure on Public Works, and if such is the case, whether the orders have been approved by the Home Government; and, whether he would object to lay upon the Table of the House a Copy of the Orders and of the Despatches of Lord Mayo on the subject, also of the Correspondence relating thereto?

MR. GRANT DUFF replied in the negative. The Home Government had not approved, nor had the Viceroy issued, any such orders. What really had happened was this—The Government of India discovered last autumn that it had been taking itself, and had communicated to the Home authorities, too sanguine a view of its immediate financial position, and it had found it necessary to make certain reductions in, among other things, its expenditure on those public works which it pays for out of annual income, and which are known as "Public Works Ordinary." The best way to reassure his hon. Friend, and those who might be oppressed by similar fears, would be to read a passage from the despatch which the Government of India sent home, asking for the authorization of its proposed reductions, under the head of Public Works. The despatch said—

> "The general result of these proposals will be to fix the Public Works Grant for next year as follows:—Military, £1,250,000; civil buildings, £600,000; communications, £1,000,000; miscellaneous, and tools and plant, £100,000; establishment, £800,000; total, £3,750,000. To this may be added £600,000, as in the current year, for agricultural works, and say £200,000 for railway charges against the revenues, making in all £4,500,000 as the Public Works Charge, to be borne by the revenues of the year 1870-71 as against £5,750,000 for the current year, being, as before mentioned, a diminution of £1,250,000. If to the outlay provided from the revenues we add the sum which it is proposed to lay out from borrowed funds upon new irrigation works and railways, which we may estimate at about £4,000,000 or £5,000,000, the total amount directly applied by the Government to public works is found to be more than £8,000,000 sterling annually. Nor does this properly complete the statement of the contributions of the Government of India to works of internal improvement. It has already been noticed that the charge of guaranteed railway interest is virtually incurred for public works. This adds, at least, £1,500,000 to the effective expenditure of the year, so that, in fact, not less than £10,000,000 will be spent from Imperial sources for these objects even after our proposed reductions; and we think we may affirm that such a position has scarcely ever before been assumed by any other country in the world."

There would be no objection to lay upon the table the despatch from which he had been quoting, together with the answer of the Secretary of State in Council, if his hon. Friend would move for them.

ARMY—CORNETS AND ENSIGNS.

QUESTION.

Mr. PEMBERTON said, he would beg to ask the Secretary of State for War, Whether, having regard to the delay that must occur before any new Commissions can be given to Cornets or Ensigns, the present limit as to the age of candidates will be extended, either with reference to gentlemen who have passed their examination, or to those whose names have already been placed on the list of the Field Marshal Commanding-in-Chief?

Mr. CARDWELL: With respect, Sir, to those gentlemen who have already passed, they will not be disqualified by age, but will receive commissions as vacancies occur. With respect to those who have reported themselves ready for examination, some new regulations will be necessary. These new regulations are under consideration, and will shortly be published. It is intended, however, to hold an examination in the course of the summer.

NAVY—DISCHARGED DOCKYARD WORKMEN.—QUESTION.

Mr. MORRISON said, he wished to ask the Secretary to the Treasury, Whether the Government have power to commute the superannuation allowance of workmen discharged from the Dockyards for a lump sum, to enable such workmen to emigrate?

Mr. STANSFELD replied that under the Commutation Act of last Session, the Treasury had power to commute the superannuation allowances for dockyard men, but he thought it would be highly undesirable to exercise that power generally. His hon. Friend's Question referred especially to the case of artizans desiring to emigrate, whose position was worthy of special attention, and would be properly considered by the Government.

METROPOLIS—REGENT'S PARK RAILING.—QUESTION.

Mr. PLIMSOLL said, he wished to ask the Chief Commissioner of Works, Whether it is his intention to enclose the whole of the Regent's Park with a railing similar to that recently erected on the south-east corner of it; or whether he does not think that a less lofty and ponderous structure, which would not exclude the view of the park from the people passing on the exterior of the railing, would not be preferable?

Mr. AYRTON said, in reply, that part of the railing referred to by the hon. Member was erected under a contract entered into by his predecessor in Office; but those who frequented the park and its neighbourhood seemed to prefer a view of the park from the outside to a sight of these railings; indeed, they were so simple in their taste that they would rather have the present wooden railing remain than that which the hon. Member, in his appreciation of art, called "a lofty and ponderous structure." Under these circumstances, he thought it right to re-consider the question, and trusted he would be able to keep the park enclosed with a due regard to decency and order, without giving annoyance to the inhabitants by the sight of such a lofty structure as that projected.

IRELAND—IRISH MAGISTRATES.

QUESTION.

MR. CALLAN said, he rose to ask the Chief Secretary for Ireland, Whether, in view of the large and increased powers proposed to be given to Magistrates presiding at Petty Sessions in Ireland under the Peace Preservation (Ireland) Bill, the Government have taken into consideration the present constitution of the Irish magistracy; and, whether the Government consider the mode of nominating to and the constitution of that body satisfactory; and, if not, are the Government prepared to take immediately all the necessary measures to revise the list and the mode of appointment, so as to secure for that body the respect and confidence of the Irish people?

MR. CHICHESTER FORTESCUE: Sir, the Question of my hon. Friend points to the very constitution, in its most essential character, of the unpaid magistracy in Ireland; and he raises his superstructure upon an assumption wholly inadequate to bear it—namely, upon the assumption that large and increased powers are to be given to the magistrates of petty sessions by the Bill introduced last night. The powers proposed to be given by that Bill to the magistrates are of a very definite character, including only certain offences, that I may call police offences, capable of being dealt with in a summary manner; but the Question of the hon. Member threatens, as I said, the very existence of the unpaid magistracy appointed by the Crown upon the recommendation of the lieutenants of counties. Now, all who know Ireland, know that the institution of an unpaid magistracy is beset in that country by social difficulties happily unknown here; the majority of the class from whom the magistrates are drawn belonging to one religion, and the great majority of the people belonging to another, and I have no hesitation in saying that the lieutenants of counties would be well advised if they were to take all fair and proper opportunities of reducing this inequality. I also think all Governments should use their influence to that end. But I am not prepared to say that the Government will undertake to consider so vital a change in the institutions of the country as that pointed to by the Question of my hon. Friend. With respect to the last part of the Question, the revision of the list is yet going on. The process is necessarily slow, because such a revision requires great care, with a view of clearing the list of the names of persons who ought not to be there, or who had ceased to be able to act.

IRELAND—WASTE LANDS.

QUESTION.

MR. J. HOWARD said, he would beg to ask the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to rely upon the operation of Clause 40 (Irish Land Bill) for the reclamation of the water-logged valleys and the waste lands of Ireland; or whether, with a view to the speedy reclamation of such lands and the employment of the surplus population, the Government will bring in a comprehensive measure for the accomplishment of these objects?

MR. GLADSTONE replied that the Government did look to the operation of the 40th clause, as at present advised, for promoting the reclamation of waste lands in Ireland. Water-logged valleys stood in a different position, and the clause in its present shape would not make any adequate provision for their reclamation. The matter was one, however, which might very properly form the subject of future consideration.

NAVY—DEBATE ON NAVAL RETIREMENT.—EXPLANATION.

MR. CHILDERS said, he wished to be allowed to correct a misapprehension as to an expression which he was reported to have used, and no doubt had used, on the previous evening, and which, if uncorrected was calculated, to give pain to a very distinguished officer and friend of his, Sir Spencer Robinson, the

Controller of the Navy. He had stated, in reply to a question which had been put to him from the other side of the House, that he had consulted his gallant colleague (Sir Sydney Dacres) as well as other officers, representing every branch of the profession, on drawing up the scheme of retirement which was at the time under discussion. It was thought that the expressions which he had used upon the point were calculated to convey the impression that his gallant friend Sir Spencer Robinson had concurred with him in the proposal as to the retirement of flag officers after a certain period of service, which formed the subject of debate. Now, he did not wish to convey to the House any such meaning; but as some misapprehension had arisen on the point, he wished without any qualification to say that his gallant friend and colleague, whose opinion he had asked as to the scheme itself generally, and who concurred in the greater part of it, did not concur in the particular part of it to which he referred, and he regretted that any misapprehension should have arisen on the subject.

Mr. BOUVERIE hoped his right hon. Friend would be good enough to inform the House whether the scheme of retirement had been submitted to the Board of Admiralty; and whether a Minute approving it had been passed by the Board?

Mr. CHILDERS said, he was sorry his right hon. Friend had not given him notice that he was about to ask the question. He could, however, answer it at once, without the slightest hesitation. He had stated on former occasions both this Session and last that the Board of Admiralty, as a consultative Board, was very much in the same position as the Board of Treasury. The different persons who in the Warrant were constituted the Board of Admiralty were responsible to him for the administration of naval affairs, and he was responsible to Her Majesty and to Parliament. All those questions which used formerly to be submitted to the general consultation of the Board were now dealt with departmentally, as was the case in other Government Departments. In accordance, therefore, with the existing practice the draft Orders in Council had not been discussed by the Board as a Board. The proposals relating to the *personnel* of the Navy were considered by him with those responsible to him in such matters, as were the proposals relating to the finance of the Navy with those who were responsible for the financial arrangements.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ALLEGED BRIBES TO MEMBERS OF PARLIAMENT.—OBSERVATIONS.

Mr. KNIGHT took occasion to call the attention of the House to a question of alleged bribery in connection with railway matters. In 1864 a Bill was before Parliament for the construction of a railway, which came within four or five miles of his property. With that railway he had nothing to do beyond giving evidence before a Committee. The Bill passed, and he thought he had nothing more to do with it. About twelve months afterwards, however, he received a letter from an engineer who had, he believed, been very active in promoting the line, asking him what money he had received in connection with the Devon and Somerset Railway. His answer was that he had received no money; that he had had no dealings with the railway company, and that he never had a share in it. He further begged to be informed why so extraordinary a question had been put to him. The reply was, that his name appeared in the books, and that it would seem that he had received a sum of £24 for his evidence. He immediately sent the whole correspondence to the papers published at Taunton on the one hand and Barnstaple on the other, and he soon afterwards learnt that a considerable sum of money had been drawn out of the railway funds in the names of different persons, in which he figured to the amount he had mentioned. A quarrel between certain persons concerned in the undertaking had, however, brought the whole circumstance to light. He might just as well have been put down for ten times the amount; and he thought it right to mention the matter because, as in the instance which had been alluded to by Lord Romilly, the whole thing might be raked up, perhaps fifteen years afterwards, when there would be no opportunity of replying to the charge.

His own case only served to show that in the hands of dishonest persons it was not safe for an hon. Member to come before a Committee of that House to give evidence.

Motion, by leave, *withdrawn;* Committee *deferred* till *Monday* next.

ELEMENTARY EDUCATION BILL.

(*Mr. William Edward Forster, Mr. Secretary Bruce.*)

[BILL 33.] SECOND READING.

ADJOURNED DEBATE. [THIRD NIGHT.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [14th March], "That the Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that no measure for the elementary education of the people will afford a satisfactory or permanent settlement which leaves the question of religious instruction in schools supported by public funds and rates to be determined by local authorities,"—(*Mr. Dixon,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. VERNON HARCOURT: Sir, on the last occasion when this subject was before the House the discussion was closed by my right hon. Friend the Chancellor of the Exchequer, who with that poignant and happy wit which always characterizes his speeches gave a very humorous, and, as far as he (Mr. Vernon Harcourt) was aware, a very accurate description of the present condition of the party which sits on this side of the House. He said that hon. Members resembled a fine herd of cattle, which had tumbled into a bed of nettles. ["No, no!"] I do not know whether I have quoted my right hon. Friend's words correctly; I cannot precisely say what the herd of cattle were doing with the nettles; but they had somehow or another got among them. There was only one thing wanting to complete the accuracy of the description, and that was that my right hon. Friend should have added that the bed of nettles among which the herd found itself was one which had been prepared for them by the herdsman. Persons in that position, sore and irritated, naturally turn for consolation and sympathy to the Chancellor of the Exchequer, whose soothing and anodyne qualities are so well known to us all. He told us that we were pitiable objects, and I do not know that we are in a situation to deny that allegation. We accept the jests and gibes of my right hon. Friend with perfect good humour, because we know that at the bottom of his heart there is no one who more completely agrees with us than the Chancellor of the Exchequer. The Chancellor of the Exchequer laughed at us outright; but I am sure that in his sleeve he laughed still more at the proposition of the Government against which this Amendment is pointed. We find ourselves involved in what is called the religious difficulty. Now, the religious difficulty was not created by us. It existed a long time before this Bill, or this Amendment, or anybody in this House had their being. The great misfortune has been this, that the religious difficulty, instead of being acknowledged and dealt with by the Government, has been shirked and ignored. There have been two attempts made to dispose of this religious difficulty. First, there is the attempt in the Bill itself, by which the religious difficulty is removed from the cognizance of Parliament and remitted to Parish Vestries. Secondly, there is the course which has been pursued with regard to the Amendment of my hon. Friend the Member for Birmingham (Mr. Dixon), the object and the result of which has been to bring back the consideration of the religious difficulty to the place where, in the opinion of my hon. Friend and those who support him, it always ought to have been kept—namely, the House of Commons. Since this Amendment has been moved, we have had two eminent Members of Her Majesty's Government who have addressed themselves to the religious difficulty. First of all we have had the speech of my right hon. Friend the Vice President of the Council, and secondly we have had the advantage of the views of my right hon. Friend the Chancellor of the Exchequer; and each has dealt with the question in an entirely different manner; but neither, I venture to think, in a manner entirely satisfactory. The Vice President of the Council cares a great deal about the religious difficulty; but I do not think he has fairly appreciated it. Some weeks before the Session commenced, to the astonishment of everybody, he announced that there was no religious difficulty, and he told us that he was going to canter over it. It was not to be expected that my right hon. Friend, who did not believe in the religious difficulty, would be likely to solve it satisfactorily. Then came the Chancellor of the Exchequer. The Chancellor of the Exchequer understands the religious difficulty perfectly. The Chancellor of the Exchequer understands everything. I have enjoyed the acquaintance of my right hon. Friend a great many years, and I never yet discovered the subject he did not understand. But in dealing with the religious difficulty he laboured under another disability—he does not care about it. If the religious difficulty is to be solved it must be by persons who at once admit its existence, and who care about its solution. What is the present position of things? We find in a Bill brought forward by the Government for the promotion of national education a very dangerous commodity, this—if I may so call it—religious nitro-glycerine, which they propose to export to every parish in the country, to be experimented upon and handled by anybody who might happen to have to deal with it. We, who are not without experience of its explosive and dangerous character, think this a rash and unwise experiment, and we deemed that, before being parties to the sending forth of such a commodity, it was desirable to bring a sample into this House and try by our experience of its qualities whether it was safe to send it about the country in its present condition. If we cannot manage here, how can we expect that it is to be dealt with advantageously by others of less knowledge and less skill? Now the Chancellor of the Exchequer has said that the question raised in the Amendment is a small and trivial question, and ought never to have been interposed between the Bill and its second reading. If that allegation is true, I entirely admit that the course taken in proposing this Amendment is entirely indefensible and unjustifiable. But everything depends upon the question whether this Amendment does or does not put in issue a great principle which pervades the Bill, and which, if wrong, vitiates and corrupts its entire character. What is the character of the principle of this Bill struck at by this Amendment? The principle of the Bill, with reference to religious education throughout the country, is neither more nor less than this, that the character of that education is to be absolutely and exclusively decided by a numerical majority in each locality. Of course that means an absolute and exclusive denominational religious education, determined by a sectarian majority in each locality. That is the principle—it may be a true principle, it may be a false principle; but I venture to say it is a very great principle. The Amendment which negatives that principle involves a positive principle, and a positive principle of very great consequence, for it is the assertion of the exact opposite of the principle contained in the Bill; the Amendment affirms the principle of religious equality in contradistinction to the principle of religious ascendancy. Now, if there be any principle to which the party on this side of the House is pledged more than another, and which is the corner-stone of the Liberal majority, it is the principle of religious equality which was proclaimed and decided on the hustings in 1868. Now what is the doctrine of religious equality? If I understand the doctrine, it is this—that the State in its relations with its citizens is absolutely indifferent to all forms of religious opinion and religious teaching, and as regards any funds raised, either directly by the State or indirectly under its authority, one form of religious opinion has as full a right to share in the appropriation of such funds as another. If that is an accurate statement, is the principle of this Bill struck at by this Amendment consistent with such a doctrine? Let us see. The majority in any locality elect the school Board, who will naturally adopt that form of religious education which is peculiar, and agreeable, and appropriate to themselves; and, so far as religious education goes, they levy the rates exclusively for their own purposes. Then, what becomes of the minority? They are offered a religious education which does not suit them. It must not be said that they can get a secular education. I presume that the minority require religious education as well as the majority, and you offer them a form of education, paid for out of the rates, which they cannot use; and will you tell me that that is political justice or religious equality? It is the old story of Thomas Moore, which he borrowed from Sydney Smith, which described the relations between the rice-eating Hindoo and the beef-eating Englishman. The rice-eating Hindoo paid for the butcher's shop and for the beef he could not eat, because the dominant Englishman preferred meat to rice. This Bill proposes to establish out of the rates a religious education which everybody is to pay for and only a portion to use. Is that what the Liberal party understand by religious equality. We are told that the minority need not use the religion paid for with their money, and that they receive complete and adequate protection by what is called the Conscience Clause. Nothing reveals a more complete and utter misapprehension of the whole conditions of the question than to suppose that so radical an injustice could be cured by a Conscience Clause. It is like saying to the minority —"We have made you pay for a dinner consisting of materials which you cannot consume, but if you wish it we will be so gracious and liberal as to allow you not to eat it." Of course, if you forced a man to eat what disagreed with him, an additional injustice would be perpetrated, but that does not cure the original injustice of making a man pay for what he did not want and could not use. I confess that this Conscience Clause has always seemed to me to be an imposture and a sham, and I believe that the day is tolerably near when it is about to be found out. The Conscience Clause is like the grant to Maynooth. It was a sort of illogical invention to justify an indefensible system. It was made necessary by a system of denominational education, and unless you are going to perpetuate and extend that system it will no longer be wanted. I confess it is to me a most astonishing thing that a Conscience Clause should be accepted and approved by those who arrogate to themselves the exclusive title to be considered religious men. What is a Conscience Clause? You tell us, on the one hand, that religion is the basis of all education, and we accept that statement, and establish religious schools. You say that it is the greatest and most important part of education; and then you give effect to your declaration by telling the children when they come to school—"You must not fail to attend to reading, writing, arithmetic, and geography, but there is one subject which you may entirely neglect if you please. When religious instruction is about to be imparted, if you object to the teaching, you may go out and play at marbles in the gutter." That is the Conscience Clause, and it is enough to consider for a moment its illogical nature in order to understand its origin. It is now what it always has been—an irrational method of defending and propping up the indefensible system of denominational education. You choose to devote a certain portion of money raised from the public to the support of an educational system in which all cannot share, and you are consequently compelled, having begun by a political injustice, to cure it by a religious, or rather an irreligious absurdity. Of all methods of dealing with the religious difficulty that of the Conscience Clause seems to me the least religious. Now, there are three ways in which the religious difficulty may be dealt with consistently with political justice and religious equality. You are going to tax the community, and to apply the money for the purposes of instruction. First, if you intend to teach religion, you may teach all forms of it; you may apply the public fund separately to all classes of opinion. And that would no doubt be just, but I fear that it would be impracticable. A second plan—which is also just—is this—you may give a form of religious instruction which is accessible to and acceptable by all who pay towards it. The first plan is what was called last year "levelling up." The third course is to give religious instruction to none, which is the plan that was adopted last year by the Government in the case of the Irish Church; and it was known as "levelling down"—as you cannot give to all you give to none out of the proceeds of a tax which is raised from all. If the second course is practicable—and I confess that, after the speech of the hon. Gentleman the Member for Bradford (Mr. Miall), I do not despair of it —it seems to me the best course. If you could settle some form of religious instruction, in which all those who contributed to the rate could equally share, I believe that would be the best form of religious equality. But if you fail in that attempt there is no resource left except applying the rate to no form of religious education — which means secular education. The policy of the Bill, however, adopts none of these courses. The scheme of the Bill is not consistent with political justice or with religious equality. It does not distribute the taxes levied on the whole community among all classes of the community, but —so far as religious education is concerned—it provides that taxes levied on the whole community shall be applied for the benefit of the majority alone. Do not let us be told that this is a trivial question. It is a great question which lies at the very root of national education. It has stood in the way of education for years, and it will continue to do so until you find some reasonable and just solution of it. Now I know that the hon. Member for Sheffield (Mr. Mundella) does not concur in the policy of the Amendment. He has stated, I know, both publicly and privately, that everything turns upon securing compulsory education; that if you get that, you get everything that you want. But I must be allowed to point out, what the hon. Member for Sheffield must see—that the very principle for which the Amendment contends is antecedent to the whole question of compulsion. I venture to say, that if you choose to adhere to the principle of denominational education—if you choose to place the disposal of the question of religious education in the hands of a majority of the dominant sect, you cannot, you must not, you shall not have either compulsion or the power of rating in a free country. Do not say that we had better go into Committee to discuss the questions of compulsion and rating. Until you have settled the question whether or not the education of the country is to be accessible to all who pay for it—until we get rid of the unjust and pernicious doctrine that the produce of taxes levied upon all is to be dealt with by the dominant majority, you cannot and shall not, as long as there is a resisting minority in the country, have compulsion. Well, Sir, but we are called sectarians. It is said that this is a sectarian opposition to the Bill. Now, we have heard very powerful speeches from Gentlemen belonging to every important sect in the country; but the grounds on which they have based their arguments were not only not sectarian, but were adverse to the doctrine of sectarianism. I object to the doctrine of a dominant sect. [*A laugh.*] You may laugh, but I repeat that I object altogether to the doctrine of one sect dealing with the funds levied from a whole community. I quite understand, however, the laugh of hon. Gentlemen opposite. It is not their doctrine, but it is ours, who sit on this side, that a tax levied on the entire community is to be enjoyed by the whole community. I know that that is not the doctrine of this Bill; and that is why you (the Opposition) are so fond of it. You support it, because it proposes to raise money from the whole community, and to leave the disposal of the fund in the hands of the dominant sect, of which you are the representatives. It is for that reason that I and others oppose this part of the Bill. I will now turn to a matter of comparatively lesser importance; but I will ask not only whether this portion of the Bill, which is impeached by the Amendment is sound in principle, but also whether it is possible in practice? It proposes that the question of religious education is to be settled by the majorities of Town Councils and Parish Vestries; and I maintain that even if it were sound in principle, such a scheme is utterly impracticable. The right hon. Gentleman the Vice President of the Council told us that, in holding that opinion, the Radicals were going against the principle of municipal government. Municipal government! I am as much attached to it as he is, but on this condition—that it shall be kept clear, as it always has been since the repeal of the Test and Corporations Act, from the intractable element of religious discord. It is you, and not we, who are going against that principle, by introducing into municipal government an element that will infallibly destroy it. Consider for a moment what is certain to happen if this part of the Bill should ever become law. Nothing but the wit of Sydney Smith could do justice to the prospect. Every November the question of the religious teaching in the national rate-paid schools will have to be decided by a contested election in all the boroughs and parishes of England. We all know something of municipal elections. We know that they are not very orderly at the best; but what will they be when the element of religious animosity is superadded? I suppose that there will be "religious" public-houses opened in every street; that blue and yellow placards will invite the voters to support "Jones, and the Thirty-nine Articles," or "Smith, and No Creed," or "Robinson, and down with the Bishops;" and cabs will be flying about advertising the theological merits of the different denominations, and rival divines will take the chair nightly at meetings in public-houses and beer-taps. There will be a great deal of religious discussion, and a good deal more of religious beer. Towards the afternoon of the polling-day there will be miraculous conversions of all kinds—next morning many people will find out that in the course of twenty-four hours they have held every known form of religious faith; while close upon four o'clock on the polling-day men will accept as many articles of faith as you may supply them with pints of beer, and the least sober will be the most orthodox. That is your plan for spreading religious education among the people. Another circumstance ought also to be referred to. Since last year we have been given to understand that the ladies are to take part in municipal elections, and I suppose that we shall see them solicited by their favourite preachers to assist in determining what religious instruction shall be given to scholars. I have always observed that the female susceptibility, when exasperated by religious fervour, is a formidable element, and I look forward to such a proposal with dismay. It is really almost impossible to speak seriously of such a contingency; it is something of which you can only say *solventur risu tabulæ.* I venture also to say that it is unworthy of an English Parliament to send this great and important question of religious education to be dealt with by Town Councils and Parish Vestries. The difficulty exists, we must deal with it, and I believe it can only be dealt with on the principle of religious equality. Now, great objection has been taken to the Amendment of my hon. Friend the Member for Birmingham, and if it were not that I had already trespassed too long on the attention of the House I should be tempted to say a few words on the subject. As to the necessity of the Amendment little need be urged, because it has already produced almost all the results which those who support it desire. When we saw the Government laying on the table a gigantic scheme for a universal system of denominational education, subject to the will of the dominant sect in every parish in England, the question for those who disapproved of such a plan as alien to the cherished faith of the Liberal party, was how it was to be encountered. Many persons said "We must go into Committee;" but I fail to see the force of that appeal. I have always understood that the time to discuss the great principles of a measure was on the Motion for the second reading, and the Committee was the place for the consideration of details; but, assuredly, the question whether the education of the people of this country is to be exclusively denominational—at the will of the majority, composed of the dominant sect—is one, not of detail, but of principle; and I do not know any form of detail which will not be vitally affected by the principle if we once accept it. I am aware that the denominational system now exists in the country, and it is tolerated, like many other things that are not good in themselves, because it exists; but in preparing for the reconstruction of our educational apparatus we may fairly consider whether that system is to be continued and extended. Where would be the wisdom of going into Committee if we want to challenge the principle of the Bill? We all know what becomes of questions of this kind in Committee. We should be told again—as we were told the other night by the Chancellor of the Exchequer—that it was a small question, one that did not signify—a mere matter of detail; and in some half-hour during dinner time we should be hustled out of the lobby, and the clause would be passed. That is not the way in which great principles like that of religious equality ought to be dealt with in this House. The Vice President of the Council said that this is a hostile Amendment. Well, so it is. It was meant to be a hostile Amendment. It is hostile—irreconcilably hostile—to the principle of denominational education at the will of the dominant sect. But it is not hostile to the Government, for we do not believe that the Government will adhere to that principle; and it is not hostile to the Vice President of the Council personally, for no one who knows the right hon. Gentleman can entertain a feeling of hostility towards him. No doubt it was a most audacious thing on the part of the hon. Member for Birmingham and those acting with him to venture on such a proceeding; but if they are right in their anticipations of the danger of these provisions in the Bill, and are well founded in the truth of the principle they are sustaining, they are at least entitled to the credit that has sometimes been given in the English Army to those who have won a soldiers' battle. Everybody knows that the object of the Amendment was to give time to the country to pronounce its opinion upon the scheme of the Bill; and does not everybody know that it has accomplished that result? ["No, no!"] What! Has not the Amendment been the means of a week's delay? We may be a small band, but we have occupied the defile of the second reading, and we have rallied the country behind us. And in reference to the opinion of the country, I appeal to the Petitions that have been presented to this House on the subject. We have been advised by the Vice President of the Council not to anticipate dangers which never could occur, for that if once the Town Councils were set to work they would be delighted with the task. Now, it happens that on the last night of the debate on this question a deputation came up from the city which I and the Secretary of State for War jointly represent (Oxford), and on the part of 1,400 registered electors of Oxford they protested against this proposal. The Mayor, who headed the deputation, said to us—to put it in a few words — "If the Bill passes with that provision in it, in six weeks we shall be cutting each other's throats." The Amendment, then, has been of some use in affording time for the people to express their opinions on the subject; and as the right hon. Gentleman the Secretary for War and myself have good friends at Oxford, it would be very painful to us when we next go down to the Druids' Dinner to find the members of the Town Council weltering in their blood, after a vain endeavour to give effect to the measures of a Liberal Government. It is, therefore, ridiculous to say that the country has not pronounced an opinion on this subject, for the very authorities on whom it is sought to impose this odious task are determined to resist the mischief you seek to inflict upon them. Well, Sir, the Amendment may be extremely irregular. The right hon. Gentleman the Vice President of the Council has said that it is such a one as is generally proposed by the opponents of a Ministry, and not by its supporters. But he must allow me to say, that the supporters of this part of the Bill mainly sit on the opposite side. That circumstance very materially affects the position of those who have brought forward the Amendment. When the supporters of the Government are chiefly found amongst their natural opponents, their friends are driven against their will to the ordinary resources of Opposition. Nothing could be more unfair, nothing is further from my thoughts than to insinuate for a moment that there have been any unusual or improper dealings between the right hon. Gentleman and hon. Gentlemen on the other side of the House. That is not so; but when a Bill contains a principle—which is that of hon. Gentlemen opposite and not of the Liberal side of the House, it is natural that without any interchange of communications hon. Gentlemen opposite give it their support. The right hon. Gentleman the Vice President of the Council said the other night that hon. Gentlemen opposite had excellent hearts and excellent heads. Of course, all of us—living as we do in daily social intercourse with them — know that their hearts are excellent, and as to their heads I can only say that if they did not support this Bill enthusiastically I should think that they could have no heads at all. What is the Bill, if not one for handing over to the Church of England in all the rural districts an absolute monopoly in the matter of education? The right hon. Gentleman also said that hon. Gentlemen opposite have made great concessions, and that last year they were opposed to the machinery of rates. Why? Because it had never entered into their heads to conceive that it could ever be proposed to levy rates except upon the condition of their being equally shared by all; but when the right hon. Gentleman now intends to allow them to be disposed of at the will of the dominant majority, of course hon. Gentlemen opposite gladly support the scheme so much more favourable to them than they had dared to anticipate. They are offered by a Liberal Government a monopoly which, in the wildest dreams of Conservative reaction, they never could have hoped even to propose. I think, therefore, that they have earned rather cheaply the eulogies of the right hon. Gentleman. It has also been said that the Amendment is evasive. I do not think that is a fair charge. It is not the Amendment, but the Bill which is evasive. The Bill evades deciding the religious difficulty; the Amendment calls on the Government to undertake the decision. It is also said that the Amendment is a negative one, it may be so in language, but it is positive in intention. It involves these two positive assertions—first, that the duty of dealing with the religious question lies with Parliament; and next, that it must be dealt with, not, as in the Bill, on the principle of religious inequality —that is to say, by the decision of a dominant sect, but on the great principle of the Liberal party—namely, the principle of religious equality. I have ventured to point out that if any form of settling this question could be devised for England such as that which was arranged in Ireland by Archbishop Whately and Archbishop Murray, which would afford to all classes and all sects who contribute towards the expenditure a religious education accessible to, and acceptable to all, that undoubtedly would be quite consistent with the principles of those who support the Amendment. We have been told that we are delaying the Bill. Well, no doubt that is so; and we intend to delay it, because our conviction is that so far as the religious part of the Bill is concerned it is objectionable in theory and impossible in practice. But though we may have delayed the Bill, we do not desire, and we never have desired, to delay the cause of education. On the contrary, we believe that by challenging principles which we believe to be unsound we are advancing the cause of education, and that in staying for the moment the progress of this measure we are but making more sure the final victory of the cause we have at heart. I must say I agree with the hon. Member for Stroud (Mr. Winterbotham), when, in the course of his admirable and consummate speech, he complained of what he considered to be the rather unfair way in which we have been assailed by the right hon. Gentleman with the Saxon Bible. I am sure that he did not mean to be unfair, or to impute to those who uphold the principle of religious equality that they were indifferent to religion itself. The Chancellor of the Exchequer met us in a totally different way. He did not make a "No surrender" speech. He told us these colours were not nailed to the mast. I should hope not. The colours of religious inequality nailed to the masthead of the Liberal guard-ship! What would become of us if they were? We want to be told that colours, which are not our colours, are not only not nailed to the mast, but that they are hauled down. The object of this Amendment is that the Liberal fleet shall sail under Liberal colours—the Liberal colours which we have always known by the famous title of religious equality. This question will be settled to-night, I hope, by the right hon. Gentleman at the head of the Government. The hon. and learned Member for Stroud concluded his speech by an appeal to the right hon. Gentleman, and I will venture to do the same. I saw it said in one of the newspapers the other day that this was a lovers' quarrel. I think that is a very accurate description of the state of affairs. Since we plighted our troth to the right hon. Gentleman I do not think he will say we have ever failed to love, honour, and obey him—[*Laughter*]—obeying not in the spirit of slavish adulation, with which you sometimes taunt us, but in the spirit of that service which becomes free and independent men—that service which is perfect freedom. We are not like you; we do not take "leaps in the dark" at the command of a Minister who boasts that he "educates his party." We follow a Chief who we believe to represent our principles. He must forgive us if in these matters we are somewhat jealous of him. We do not like to see him, or his Government on any occasion or any subject in the arms of the other side of the House. The right hon. Gentleman must interpret that jealousy in its proper and legitimate sense, and must recollect that jealousy in these matters is closely proportioned to the devotion out of which it springs. I feel sure that the right hon. Gentleman will rise to-night, and tell us that we are mistaken in our apprehensions, that he will reassure us with reference to the doubts we have entertained, and that he will give us the pledge of his Government, which we have trusted, and which we trust, that the great principle of religious equality, which is the corner-stone of the Liberal faith, is safe in the hands of him who has been its foremost champion and its most eloquent teacher.

Sir CHARLES ADDERLEY said, that the hon. and learned Gentleman who had just sat down had supported the proposed Resolution by a Petition from the only Town Council in England which had nothing whatever to do with this Bill.

Mr. VERNON HARCOURT begged to correct the right hon. Gentleman. The Town Council formed a principal part of the local Board of Oxford.

Sir CHARLES ADDERLEY said, that the Town Council of Oxford was, at all events, the only one which would not itself elect the school Board. He had some difficulty in comprehending the object of the supporters of the Resolution. It was abstract in its character; it only raised an issue upon one clause in the Bill; and it was an issue that might have been dealt with equally well in Committee. Did the proposal of such a Resolution upon the second reading mean that the principles of the Bill were to be indirectly evaded? Did it mean to say that they were all so perfectly agreed upon every other portion of the Bill that no other part of it required any discussion; or did it mean that the issue raised on that particular clause was so vital to the Bill that it was the point upon which it should stand or fall? The principle of the Resolution was, that in popularly-supported schools throughout the kingdom what was called the religious difficulty should not be left to be settled by the people who supported those schools. It seemed that that was the meaning of the hon. Gentleman who had moved the Resolution (Mr. Dixon). The hon. Member had appealed to a newly-enfranchised people to confess that they were incompetent to deal, even locally, with this question. Not that the supporters of the Resolution agreed among themselves in putting any specific interpretation upon it. The hon. Member who moved it did not seem to be backed by any unanimity, nor even to agree with himself during the course of his speech. The supporters of the Resolution appeared to go further than the hon. Member, and expressed their opinion that, as it was impossible satisfactorily to leave this question of religious instruction to the people who were to manage the schools, it would be better to exclude the point of difficulty altogether by adopting all over the kingdom a simple secular system. That was to say that, however differently circumstanced or inclined places might be—whether large towns like Manchester, where the secular system might be adopted; or Preston, where one-third of the population were Roman Catholics, which was certain to reject it — the purely secular system ought everywhere to be thrust upon the people by Parliament. That was what the right hon. Member who spoke last called religious equality; he was not the first person, however, who had mistaken equality for equal submission under tyranny. It would be tyrannical for Parliament to rough-ride the will of all the localities of England by imposing upon them such a system as that proposed by the Resolution. Fortunately it had been made more clear by the hon. and learned Member for Stroud (Mr. Winterbotham) that the animus of the Resolution was an intense jealousy of the position of the Church of the nation. It was from a sensitive irritability on his part about everything connected with the Church that he sought to induce the House to sweep away the whole existing system of elementary education among the people, in order to substitute for it a system emancipated from Church association. The Bill took a much more rational course, and one that was far more likely to be accepted by the whole nation. It proposed to make use of the existing system, which had been established with great trouble and expense during the last thirty years, and to supply its deficiencies where any existed. That, it appeared to him, was the principle of the Bill. It would be well for them to ask themselves what was the ground upon which they were called upon to legislate at all upon this subject at that moment. The reason was simply because the existing system, with all it had done during thirty years, was found to be incomplete in its action, and a certain number of children, chiefly in the larger towns of the kingdom, were still found wandering uncared for about the streets. In order to gather that class of children into schools it was necessary that they should legislate further; but surely in legislating, with a view to completion, the most reasonable course was to extend the system which had already done the greater part of the work, rather than, for some external motive — a mere phrensy of jealousy against the Church —to sweep it away altogether, and substitute for it an entirely new system, which might be, and apparently is, less acceptable to the great body of the nation. If the House had accepted the voluntary principle as the basis of their past legislation upon this subject, they must consider in what respects it had failed, in order to supplement it rationally. The deficiencies of the principle in the existing system were two—it was deficient in obtaining support and in obtaining attendance. The hon. Member for Birmingham himself must admit that it would be absurd to increase school accommodation in the town he represented, when their principal Industrial School was at the present moment not used for want of attendance, or to ask Parliament for further powers to compel attendance as long as existing powers for that purpose were not made use of. How did the Bill propose to meet these two deficiencies? In the first place, the Bill sought to make a last appeal to the voluntary principle, in the way of obtaining sufficient voluntary support for all the requirements of elementary education. He regarded that as the most valuable part of the Bill, and hoped that last appeal to the voluntary principle would cover any deficiency which might exist. If he took the view which the Vice President seemed to entertain—namely, that school Boards would, in effect, become established all over the kingdom, he would not vote for the Bill; but he hoped much from the "year of grace." He was sure that the Roman Catholics of this country would during that year supply any deficiency which might exist in the schools of their denomination, and he hoped that an adequate effort would also be made by the Church of England —which had already supplied most of the school provision in the kingdom, and had therefore, and not from any partiality of Parliament, obtained that large share of the subsidy which had caused so much jealousy to be felt. When he was at the Council Office he formed the opinion that they might have more effectually stimulated the voluntary principle, and he had suggested that the Office, when applied to for a grant, should ask not only for returns of the population and the amount of school provision in the applying district, but that they should also require information as to the rateable value of every holding in order that it might appear how much would be contributed from each. Many large owners and occupiers who were loud declaimers about the want of school accommodation ought to contribute much larger proportions of the support of schools. The requirement in the Bill that all deficiencies must be covered within a year would offer a still stronger stimulus in the anxiety to prevent the introduction of a system which the country would consider to be very inferior to the present. Should the last appeal to the voluntary principle fail to make up existing deficiencies something must be found to take the place of local subscriptions, and what was there so natural as a rate? The provision ought to be local, because it was intended to take the place of local contributions and to meet a local want. He also liked the proposition of a local rate, because it recognized the fact that every place had resources enough in itself for its own requirements. There was no parish in the country which could not meet its requirements if its powers were fully drawn out. Hitherto, any such want had been one of spirit and not of means. In discussions on education in this House it had been frequently said that there were poor parishes which ought to receive a larger Treasury subsidy; but the Bill proposed that every parish should provide for its wants up to a charge of 3*d.* in the pound, which would be ample to cover the local charges of every country district properly arranged for the education of its poor. He did not mean to say, however, that he saw no objection to local rates being applied to education. Several objections had been made to such an application; but most of them could be met. The most obvious objection arose from the partial incidence of local taxation, and that had been so fully admitted by the Vice President of the Council as to encourage hon. Members to hope that Parliament might in the next Session be asked to remedy that inequality, and to pass a measure which should spread rates more equally over all kinds of property. But that objection was not so great as the second—namely, that there was great danger that a rating system would lead to the withdrawal of voluntary subscriptions. The two modes of contribution seldom throve together.

There was considerable injustice involved in the proposed system, as he could show by a case in his own county (Staffordshire). He wished the hon. and learned Gentleman the Member for Stroud, who seemed to think that the Bill would act favourably towards the Church, to consider how it would affect the Potteries. That was a large district containing a population of 100,000. The property of Stoke-upon-Trent was chiefly in the hands of Churchmen; but the majority of the inhabitants were Dissenters. Every existing day school in that district had been established by Churchmen and maintained by them. It was quite possible that when the Inspector went to Stoke-upon-Trent he would find that the existing schools did not meet all the requirements of the place. A school Board would be elected by the Vestry, and as nine-tenths of the members of the Vestry were Dissenters, the school Board would probably be the same, and the schools which they created would, in all probability, partake of that character. The result would be that Churchmen having first paid for all the existing schools out of their own pockets would then have to pay the chief part of a rate which would fall mainly on their property, and would be principally applied to the provision of Dissenting schools. Notwithstanding that injustice, the principal clergymen and Churchmen in the district had petitioned in favour of the Bill, which, much to their credit, they were willing to support. Surely that was a better spirit than had been shown on the opposite side? Some injustice might probably be felt in other places in the opposite direction; and, while admitting that one might, in a rough sort of way, balance the other, he wished to make two suggestions, which he would put upon the list of Amendments, if they were not there already, and which he thought might mitigate the objections he had pointed out. The House ought to take two hints from the Canadian Education Act, the first of which was a clause introduced by the Roman Catholics of Canada, to the effect that where any denomination proved to the satisfaction of the central school authority that it provided sufficient schools for its requirements, that denomination should be free from the education rates. The other suggestion was that the subscriptions of individuals towards the support of approved schools should so far count in lieu of rates. Such Amendments would check the withdrawal of voluntary subscriptions, which might then co-exist with rates and supplement equally with them the public funds. The third and main objection to education rates, and that which had kept the proposal so long in abeyance, was the fear of their leading to the adoption of the secular principle, the very thing the Resolution aimed at. A plan of school rating inevitably raised the religious difficulty, because it required the employment of a representative body to deal with subjects on which the members of that body were not agreed. Such subjects would, therefore, be either omitted or mutilated, and to that extent the plan would lead to some neutral or secular system. The proposition of the Government was that each locality should be left to solve the difficulty for itself—a mode of dealing with the question which the hon. and learned Member for Oxford (Mr. Vernon Harcourt) had stigmatized as tyranny over the minority. He (Sir Charles Adderley) admitted the possibility of oppressed minorities by this Bill, and he thought that the right hon. Gentleman the Vice President of the Council might find it a valuable addition to the clause if he were to give the minority in certain circumstances an appeal to the Privy Council. It should, however, be remembered that such a case could not occur except where the denominational and voluntary system had failed. Parliament had then only the alternative of taking the matter into its own hands, and tyrannically dictating to every locality in the country, or of allowing each locality to settle the question for itself in the way we were accustomed to settle all public questions, by the vote of the majority. He wished now to say two or three words upon the other deficiency in our voluntary system of elemetary education of the poor—deficiency of attendance. It was perfectly futile to multiply schools if the children who ought to be in them were still allowed to run about the streets. The question was, how they were to get these children into the schools. The first proposition that had been made for compelling attendance was one that was not in the Bill, though it was supported by the right hon. Gentleman who introduced the Bill. It was what was called indirect compulsion by the operation of the Factory Acts; and he (Sir Charles Adderley) hoped that, in another year, these Factory Acts would be extended and consolidated so as to embrace all trades in one uniform system. He thought, indeed, that extension was essential, apart altogether from the question of education; for their present partial action was grossly unfair, operating to the injury of the included trades, and the advantage of others still exempt. He was sorry to find that the Mines Regulation Bill added another variety to this system, which must be reduced to absolute uniformity in common justice when the system was completed. But he passed to the question of direct compulsion which this Bill recognized, and which it left to be carried out by the local authorities by by-laws. This was evidently a sop to the Birmingham League. He had not himself much faith in the operation of this clause, nor had the Vice President, as he allowed. The compulsion was to be effected by fines on the parents; but the fine would not be paid. He believed that there were many parents who would rather go to prison than take the trouble to see that their children went to school. Magistrates would not long attempt the contest on such terms. He was the more anxious to call the attention of the House to this matter, because he intended to move an Amendment upon this clause also when the Bill was in Committee. It appeared to him that those who called for the compulsory attendance of children wholly forgot the powers of compulsion already given by Act of Parliament. He referred to the Industrial Schools Act. The schools everywhere forming under that Act not only took in children for boarding, lodging, and training, but day scholars also, whom the police found wandering idle about the streets. Whether it was intended by that Act or not he could not say; but it was a fact in practice that day scholars were sent to Industrial Schools by the police under its provisions already, and he believed that if the Act were extended to some limited extent all further legislation in respect of compulsion would be unnecessary. And in connection with this point, he desired to call the attention of the House to the absolute necessity that various classes of public lower-class schools, Reformatory Schools, Industrial Schools, and pauper schools now treated as non-educational institutions should be brought under the Educational Department, instead of being, as at present, under the Poor Law Board, or the Home Office. The present system was calculated to frustrate the whole object of national education. Our public grants for education are meant to rescue the poor and neglected children of incompetent parents from becoming nuisances to the country. The children of these exceptional schools were ticketed off, some as criminals, some as vagrants, some as paupers. The primary object of the Bill before the House was to help those very classes to get education; and, in doing this, care should be taken not to destroy their self-respect, nor to fix them in early life in a degraded category, obstructing their getting the honest livelihood which the system proposed to open to them. The present reformatory system too often defeated its own object. A child convicted of a theft, having been whipped and imprisoned, was sent to a school, the previous want of which had led to his theft. But if the Reformatory was regarded as a penal institution, after five years of penal treatment, when he should have become fit for employment, merchants, public officers, and others, declined to take him because he came from a Reformatory. Having regard to these points, he proposed to move in Committee such Amendments as would place Industrial Schools under the Educational Department instead of under the Home Office; that this House might see in its Estimates all school grants under one head, and still more that children whose schooling is undertaken by the State may not be schooled as a matter of police, but of education, after whatever police treatment may be required is over. He trusted, at all events, there would be no more compulsion than was absolutely necessary. Compulsion must rather damage education than improve it, because the education under its effects would be artificial. The great defect of the present national education, so much in advance of the demand of its subjects, was that it was an artificial system. Gentlemen in that House, who had been trained up in a higher system of education, undertook to provide education according to their own notions for persons of a lower class, to whom their own education was not suitable. They first had to create an artificial supply for which there was no demand. Gradually the forced supply raised some demand; and he hoped that the progress would be a rapidly increasing one. But though it was necessary so to start a demand for education, all care should be taken to make the anticipatory supply suited to the ultimate demand when raised. The proper object to aim at was the creation of a natural demand for education, and this would come as soon as employers sought for skilled labourers. Education would then go ahead independent of school Boards or Orders in Council. Even in agriculture, where least skill was required, a great demand for education was springing up in the neighbourhood of such agricultural schools as Cirencester College, where farmers using scientific implements looked out for skilled labourers to work them. It was patent, then, to all who had to support or to attend school that an educated boy was worth the cost of his education. If a labourer's child had his mind cultivated so as to clip a hedge or follow the plough with skill and industry, and his conscience and intelligence were awakened to the right performance of his part in life, he was as well educated as the Vice President himself. Their object ought to be rather to encourage and stimulate the demand than to overlay it by artificial supply. He thought compulsion was the worst way of promoting education. But they were too impatient in all their patronage of the poorer classes. They were so impatient to cure intemperance amongst the poor, as to forget how short a time it was since the upper classes themselves were habitually intemperate; so it was with regard to education. The demand for education would more surely come if by impatient measures they did not crush the rising demand. He therefore hoped that the right hon. Gentleman the Vice President of the Education Department, who carried with him, more than any other man who had undertaken this difficult Department, the confidence of both sides of the House, would take care to keep the system of education adapted to the wants of the poorer classes. Education was not so much the imparting of knowledge as the training that would fit a child for the work to which his station would probably call him. Many years at school were not possible or required for the labouring class. School ought to be preparatory to the apprenticeship of life. He therefore deprecated all unnecessary compulsion. No class of children ought to be compelled to attend school except the neglected and vagrant children, who had no guardians responsible for them. On the other hand, educational means, to the fullest extent that a demand could be got for, should be provided throughout the country, and the natural demand for it should be stimulated in every possible way. He looked with the greatest confidence and hope to that clause of the Bill making a last appeal to the voluntary principle; because religion would be at the basis of such schooling, as it should be in schools which must undertake the entire education of a child; and feeling that no better means of supplying the deficiency left by the voluntary system could be found than that devised by the Bill, he would give a cordial vote for its second reading.

Mr. MUNDELLA said, the right hon. Gentleman who had just sat down had expressed a wish to confine compulsion to the criminal and vagrant classes; but he would ask him what made the criminal and the vagrant class but the fact that the means of education were insufficient, and that when it was provided nothing was done to get the child to attend the school? He welcomed the introduction of the measure with the greatest satisfaction; and, as he had become better acquainted with it, though he discovered in it some serious defects, his confidence in it and his gratitude to his right hon. Friend for introducing it had not diminished. He believed it to be a noble measure, capable of expansion so as to meet the wants of the whole country, and he hoped it would be so expanded and strengthened before it left the House. He had listened with attention to the last speaker, and he was compelled to say that, although the right hon. Gentleman had been for many years an earnest friend of education, he had the lowest possible idea of what education ought to be. Considering, then, the difficulties, the apathy, and the low standard we had set up for ourselves with regard to education, he could not be surprised at finding that there were some blots in the present Bill. It had, however, been subjected to some very unfair criticism at the hands of hon.

Members on that side of the House. It was all very well to criticize; but the French had a proverb that criticism was easy and art difficult; and, as we had hitherto left education to be promoted by a number of voluntary associations, it could hardly be a matter of astonishment that his right hon. Friend should have brought in a Bill which did not come up to the ideal of some persons, nor establish a system so perfect as some which existed elsewhere. His hon. and learned Friend the Member for Stroud (Mr. Winterbotham) had remarked, in the course of a speech more distinguished by culture than by charity, that the public faith was not pledged to the maintenance of the existing schools. Well, he did not say that the public faith was absolutely pledged to maintain them, still less to maintain them in their present state; but, at all events, they had done a noble work which Parliament had neglected to do. He should, indeed, be one of the most ungrateful of men if he did not acknowledge that he owed to one of these schools what little education he received in his early youth. If public faith was not pledged to the maintenance of these schools public policy and public gratitude were, although some hon. Gentlemen seemed to think that we ought to commence a new system of national education by destroying the only stock-in-trade we had to begin business with. We had not a training college or a normal school which the existing societies had not given us. How, then, could we afford to disregard what had been done by the existing system, and to set it entirely aside? He did not for a moment complain of his hon. and learned Friend the Member for Stroud's demand for perfect religious equality and freedom, for he believed no Member of that House was more zealous than himself for the maintenance of religious liberty, in support of which he was even prepared to go further than many Nonconformists. He must confess, however, that he never felt so deeply the necessity for a complete separation of Church and State as he did after hearing the speech of his hon. and learned Friend the Member for Stroud. He believed that the Church herself would be the better for being relieved from State trammels, and that when she was his Nonconformist Friends would have to look to their laurels. But what he chiefly complained of in the speech of his hon. Friend was that he pleaded for delay, and wished the Government had postponed the question till next year, by which time he asserted public opinion, which was slowly forming, would have declared itself. Now, he (Mr. Mundella) felt bound to state that public opinion had never been so strongly brought to bear as it had in this country upon any Government in the world in favour of the adoption of a system of national education. The establishment of national systems of education had always been due in other countries to the action, not of the people, but of a few enlightened and thoughtful men. Why did his hon. Friend ask for delay? Was it in order to get compulsory education. He had addressed audiences of from 5,000 to 20,000 people, chiefly working men, on this subject, and he had never yet known a working man to hold up his hand against compulsory education. The country, he believed, was entirely with them upon this point. They saw how the system worked in Germany. At the commencement of the present century, when North Germany lay dismembered and prostrate at the feet of Napoleon, a few philosophers in Berlin raised the standard of compulsory education, and Fichte, in words which now read like prophecy, described its probable results. Compulsory education would not, he said, extend beyond the existing generation, for it was sure to become voluntary in the next. Its influence would be felt for good in every way; by national education the expenses of the State would be diminished, and the cost of maintaining standing armies would be done away with, because education would produce a nation of patriots, and an army of intelligent men better fitted to defend the country than the ignorant boors who were usually drawn in the conscription; the principles of political economy would come to be understood by the working population, and industry would flourish and wealth increase. His maxim was, that the discipline of the child was the discipline of the man, and in a well-educated State abject poverty would be a thing unknown. Looking at recent events, and at the present condition of North Germany, these opinions of the German philosopher became doubly interesting. If his hon. Friend's plea for a year's delay, in order to settle the so-called religious difficulty, were admitted, would the House be in a better position to settle the question after a twelvemonth's agitation and rancour? In his opinion, a year's delay would practically lead to as many years' delay as would leave another generation of English children uneducated. He hoped the Government would not accept delay, for the mission of a Government was to lead opinion, not to lag behind. Again, if the delay were granted and the religious difficulty fought out, it would lead, in the end, to an irreligious difficulty. He believed the ulterior question which his hon. Friend below him wished to have settled was the extrusion of all religion whatever from the schools. Now, he was about to make a statement which might, perhaps, be regarded as an indication of weakness on his part; but he would rather be accused of weakness than of cowardice. Having received his education in a national school, he thanked God for the Biblical instruction he received in it, and he would rather never enter the doors of that House again than vote for the exclusion of the Bible from our schools. His hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt) had said that all Conscience Clauses provided, at the expense of all, a dinner which some objected to eat. Now that, though a taking simile, was utterly false, for what a Conscience Clause really did was to provide a dinner which some people might eat with salt and some without if they liked. For his own part, he was in favour of a Conscience Clause which should separate the religious from the secular teaching; but why was this Amendment brought forward to compel him either to agree to what was against his conscientious opinion, or else to say "No" to the second reading of a Bill which he desired, above all things, to see passed into law? If the Amendment were pressed to a division he should vote against it, whatever the consequences might be. He had hoped that on the second reading of the Bill they would have discussed the whole question of education; but instead of this, there had merely been a miserable religious squabble. The speech of the right hon. Gentleman who had just sat down showed that it was necessary to compare the educational condition of England with that of other countries, and on this point there were two broad facts which he wished to state to the House. Circumstances had forced this subject upon his attention. He had made it for five years his constant study; but he had never hitherto dared to tell the truth as to the deplorable condition of education among the lower classes in this country. It was something which could hardly be understood or realized. It had been so mystified by fallacious calculations and figures that we could hardly grasp it. We were always talking about the great number of children on our school-books. During the Recess he had had a passage of arms with the noble Lord the Member for North Leicestershire (Lord John Manners); for, on speaking of the wretched state of education in Loughborough, he happened to mention that more than 40 per cent of the children who ought to be at school did not attend school. The noble Lord, in referring afterwards to that statement, spoke of it as exaggerated, adding that there were 1,500 children attending school in Loughborough, or one in seven of the population, whereas in Germany the attendance was only one in six. The noble Lord had, however, made his calculation on an entirely wrong basis, because he took every child in that town from three to fifteen years of age, 300 of whom were at infant schools, and 160 at dames schools, besides a large number at the grammar school. The fact was that every child who was placed by its mother in a crib or cradle to be kept out of the way was put down as receiving education. Taking the children over six years of age, less than 700 out of a population of 11,000 or 12,000 attended school; whereas in a town of the same population in Germany or Switzerland there would have been 2,000 children from six to fourteen years of age regularly attending school for a period of eight years. For five years he had carried on an examination in connection with the question of education in our factories, villages, and towns. He had an examination made at Loughborough, and he wished he could place before the noble Lord the Member for North Leicestershire the specimens of writing and arithmetic of the children at work there, and those of children of the same age at work in Saxony, Switzerland, or Prussia. The contrast was something which was enough to make an Englishman blush for his country. But if his statements on the point were strong, those which were contained in the Reports of Messrs. Fitch and Fearon painted the picture in blacker colours still. When the future historian wrote the history of his country, some of its blackest pages would be found to be based on those Reports. According to them the estimated population of Birmingham, Leeds, Liverpool, and Manchester, was 1,500,000; the average attendance in all the schools 124,000, or, allowing for the children of the middle-classes, for whom 1*s.* a week and upwards was paid, 150,000. And what a class of schools some of these were! Cellar schools, garret schools, and all sorts of miserable and pestiferous places. Now, if the four towns which he had just mentioned had been four towns in Germany, there would be found to be at least 250,000 children attending the schools daily for eight years. There was another fact worthy of notice. The number of children above ten years of age on the roll of all the schools was 38,645; and adding the children of the middle classes, the total number would be about 60,000—65,000 less than those above ten years of age, who would be in attendance if these towns were in Germany. But when numbers were passed over the worst part of the subject had not been disposed of. There was a worse thing in the background than quantity, and that was quality. To call the instruction given in this country education was, so far as the quality was concerned, the greatest farce. Mr. Fitch, in his Report, referred to "the 6th standard"—the meaning of which was that a pupil could read an ordinary paragraph with fluency, could write the same from dictation, and could do sums in bills and parcels—and stated that last year in Birmingham and Leeds, with a population of 600,000, only 530 pupils came up to that standard; but it was calculated that of the 35,000 now on the roll of inspected schools, 1,590 would some day attain to it. Now, during the Recess he (Mr. Mundella) had sent some printed copies of our 6th standard to friends of his in North Germany, Switzerland, Prussia, and Saxony, with the inquiry how many children left school in those countries without acquiring that amount of education. The answer was that the English 6th standard was below the lowest Saxon, Prussian, or Swiss standard, even for country schools. He could, he might add, produce writing from foreign workmen who could correspond on matters relating to their daily work as well as if they had happened to be clerks in a banking-house. Arithmetic was taught in the schools in Germany to an extent far beyond that which was deemed necessary here. In Saxony the pupils, before leaving school, were not only called upon to read fluently, and write a good readable hand, but they were also required to write from memory, in their own words, a short story which had been previously read to them; and the children were besides instructed in geography, singing, and the history of their Fatherland, as well as in religion. With the exception of children mentally deficient, or suffering from ill-health, no child failed to pass the examination. We had never yet passed 20,000 children in a population of 20,000,000 to the 6th standard in one year; whereas old Prussia, without her recent aggrandizement, passed nearly 380,000 every year. Such, then, was the relative measure of English and foreign education, yet some hon. Gentlemen were asking for delay, and the right hon. Gentleman who had just sat down objected to compulsion. If there was one feature more painful than another in our educational system, it was the education of women, which was so neglected that many of them were but fair savages. He had, he might add, examined hundreds of women, and they almost one and all had been obliged to admit to him that they scarcely ever read a book, and that they had never heard of such works as the *Pilgrim's Progress* or *Robinson Crusoe*. How could such women make our workmen happy, or keep them from the public-house? What else could be expected from such a state of things except that social misery and degradation which so widely prevailed? Then, again, there was the question of pauperism. What were we to do with the multitude of our paupers? The question would soon come up—"What will they do with us?" State emigration had been recommended—as false a piece of political economy as he had ever heard of; but we were really manufacturing paupers by our present system. Hundreds and thousands of people were growing up helpless and in a state of willing dependence, without thrift, energy, or any power of helping themselves, and in their present state with no desire to help themselves. These evils were attributable to the lack of education more than to anything else. In 1867 a remarkable report had been issued by the hon. Member for the Universities of Edinburgh and St. Andrews (Dr. Lyon Playfair) on technical education, showing that we were losing ground in many respects, and should have to bestir ourselves, or fail in the industrial contest of the nations. Could we wonder if we failed in such a contest? An Austrian Inspector, two years ago, had said—"We were vanquished not by the needle-gun, but by the higher education of the Prussians." And if England were vanquished in the industrial contest it would be not through want of capital, of natural resources, or of energy or industry on the part of the people, but through the higher intelligence of their opponents. Perhaps this was taking low ground; but our industrial supremacy was a question of great importance, for it involved the further question, how to feed our people? There were two or three points in the Bill which he should be glad to see amended. He hoped the First Minister of the Crown would rise to-night, and say he was willing and anxious to settle the religious difficulty. It was a difficulty which existed more in this House than out of it. He had that morning received a letter from a clergyman, a friend of his, who wrote that he had more than 1,260 children in his schools, and that for eighteen or nineteen years he had what he called a Conscience Clause, with separate religious teaching. There were over 400 children of Nonconformists in the schools, and how many availed themselves of the protection thus offered them? Just four. He believed the clergy were most ready to meet the wishes of the country on this question; and he hoped his hon. Friends would not object to the plan of separating religious from secular education, which was the true solution of this question. The clergy preferred it, for if the Conscience Clause was to be effectual, and no such separation was provided, any litigious person might complain of them to the Committee of Council. If, however, secular were separated from religious teaching, and the day were begun or ended with the latter, those who did not like to be present might withdraw, the religious difficulty was got rid of, and the practical result would be that no one would avail himself of it. In the new schools the Catechism would not, he hoped, be used. When he was in a national school the Bible was to him a delight; but Creeds and Catechisms were his special abomination, and even the beautiful Collects of the Church of England were imposed upon him so often as tasks that they at the time became distasteful to him. Another point in the Bill was the proposed plan of permissive compulsion. Where was there an educated nation without compulsion? In Lowell, in the State of Massachusetts, 97 per cent of the children attended school, because the school Commissioners enforced attendance, while in the city of Fall River, in the same State, only 50 per cent of the children attended, because the school Board neglected their duty. In Germany every child attended school. He had gone the length and breadth of the country and had tried in vain to find an ignorant man or child. During his visits—and he spoke especially of Saxony — he never found a child over ten years old who could not read and write well. What would be the state of education in England if the question of compulsory attendance were left to the discretion of local Boards? Would the squire and the farmer favour compulsion when they knew it would raise the rate of wages? Look at the result of the educational clauses in the Factories and Workshops Acts. In Liverpool only four children attended school under the Workshops Act, and in the great towns these Acts were a farce; nobody regarded them. He hoped the Bill would be read a second time to-night, and that when it got into Committee his right hon. Friend would do what was necessary to make it one of the most magnificent modern examples of beneficent legislation—that where it was partial he would make it universal, and where it was permissive he would make it compulsory, and that he would also make the religious question clear and explicit. The Bill would then confer upon his right hon. Friend and upon the Government honour to the end of English history, and would be the charter of the intellectual freedom of the English people.

SIR HENRY HOARE said, it had been stated that this measure was a compromise. This he denied; but it appeared to have been framed to please the other side of the House. His constituents objected strongly to schools supported by rates in which religious education was given. They demanded that the money of the taxpayer should not be spent upon religious education, and that whatever religious instruction was given should be given either before or after school hours. The effect of the Bill would be to secure the ascendancy of the Church of England, for the Conscience Clause would be inoperative in the rural parishes, where the clergyman said to the squire—"Help me to support the predominance of my Church, and I will help you to support your party." The spirit of persecution always existed among members of an Established Church. There were many self-convicted fanatics among laymen as well as among clergymen; even in that House he believed there were men who, as a matter of abstract principle, held that those who did not pay church rates ought to be burnt at the stake; and the hon. Member for the University of Cambridge (Mr. Beresford Hope), as a matter of abstract principle, would probably light the fire. It was instructive to compare the excitement there was in the debates on the Irish Church Bill of last Session with the absence of excitement concerning the Irish Land Bill, which, however, affected the property and interests of many hon. Members. He knew something of Vestries in the rural parishes. They consisted principally of the clergyman, the squire, and two or three occupiers of land holding under the squire, and thinking that in all parish matters they were bound to support him. The population of his own parish contained 15 per cent of Roman Catholics, and how would they be affected by this Bill? As an advanced Liberal he would do all he could in their favour; but while he held the clergyman in great esteem, he knew what the rev. gentleman's views would be as to freeing children from religious instruction. It was proposed that the children should absent themselves on the dissent of the parents being given in writing; but many parents in rural parishes could not write; and if they could they and their families were under obligations to the clergyman and his wife, and would hardly dare to send in a written dissent, because their doing so would militate against their own interests. His views upon this subject were well stated in a remarkable letter which appeared in *The Times* the other day, and which was addressed by a Nonconformist minister to the hon. Member for Berkshire (Mr. Walter). One thing was clear, and it was that if the principle of absence from religious teaching were to be carried out, it ought not to be the dissent of the parent in writing that should be required, but the law ought to require his written assent to the religious instruction of a child; the instruction ought to be given either before or after the ordinary school hours; a time table ought to be hung up in the school, and no child ought to be expected to attend religious instruction except at the express desire of the parent. It was said the religious instruction imparted would be that of the majority; but it would not be so in many cases, because of lodgers in towns not one in twenty had got their names placed on the Parliamentary register, and lodgers were not admitted to the municipal franchise. On these grounds it was desired that the Amendment standing in the name of the hon. and learned Member for Stroud should be accepted by the Government; they ought to state clearly that they would accept the sense of it, and that in Government schools the system of Bible reading should correspond with that adopted in the National Schools of Ireland. He agreed with the hon. and learned Member for Stroud that it would be better to wait a year than to allow the Bill to pass in its present shape, settling the religious question on so unfair a basis. He was sorry to oppose the best Ministry England ever possessed; but in accordance with the conscientious conviction and earnest wishes of those who sent him to Parliament, he must take that course on this question if the religious clauses were not either altered or struck out of the Bill.

SIR HENRY SELWIN-IBBETSON said, he trusted that the small band opposite, whom the hon. Member for Oxford called the Irreconcilables, would not be allowed to defeat this measure. He must, however, compliment the hon. Member for Sheffield (Mr. Mundella) on the excellent speech he had delivered. He declined to deal with the imaginative pictures drawn by the hon. Member for Chelsea (Sir Henry Hoare), who had favoured the House with such a terrible sketch of the ruthless destruction which his innocent and hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope) would wreak upon all who did not pay their church rates. The question had been argued by hon. Members below the Gangway as if they were the only men who were required to make sacrifices in settling this great question; but the House should bear in mind the position of some hon. Gentlemen who represented rural districts. Not long ago the Conscience Clause was looked upon with the greatest dread in the rural districts, while an educational rate was even more ardently opposed. Yet so convinced were the Members representing rural constituencies of the necessity for some great scheme for national education, and of the necessity which such a scheme would involve of great sacrifices being made by all for its attainment, that they were perfectly willing to support the measure of the Government, however much they might object to some of its details. The extreme men on the opposite side of the House seemed to have set their minds on having no religious education at all, and avowed a remarkable hostility to the Bill, seeing that they were generally among the supporters of the Government; but he trusted that the Government would feel that every objection which had been raised could be fairly met when the House was in Committee upon the Bill. He should have some objections to raise upon certain clauses when the Bill was in Committee, as he had long felt that if a Conscience Clause were adopted it must be one which fairly protected those who differed from him in religious opinions, and that it must also be a time Conscience Clause, devoting the first hour to religious instruction. With regard to compulsion, he was glad to hear that the right hon. Baronet the Member for North Staffordshire (Sir Charles Adderley) intended to suggest some Amendment for carrying out indirect compulsion, and he should like to see an education test made the condition for employment. But these were matters which he believed might be fairly discussed and ascertained in Committee, and he should, therefore, give his hearty assent to the second reading of the Bill.

Mr. JACOB BRIGHT said, there were only two conditions necessary to secure the complete elementary instruction of any people—in the first place there should be a good school within the reach of every child; and, in the second place, there should be some kind of security that the children should attend with tolerable regularity, and for a sufficient number of years. The first of these conditions the Bill met courageously and comprehensively, for England and Wales would now be divided into school districts, so that no part of the country would be outside one or other of them; and instead of the fluctuating and uncertain support of voluntary subscriptions, the schools would henceforth be adequately sustained from public sources. The second condition was undoubtedly met by the Bill in an imperfect way. For this, however, he did not blame the authors of the Bill, because he agreed with the hon. Member for Stroud (Mr. Winterbotham) that it was impossible to legislate successfully, except with the intelligent co-operation of the people, and he was not sure, after the discussion which had taken place, that the country was ready for a fixed and uniform law of compulsory attendance extending to all children. He wished he might be mistaken on the point, and that in the Committee he might find that the House was ready for the adoption of general compulsory education. He had learned that great objection was felt out-of-doors to what was called permissive compulsion; but it had always been his doctrine that half a loaf was better than no bread; and in manufacturing towns and among the industrial populations of counties, where the men earned good wages, and where there was much independence, public sentiment would require the exercise of this power by the Boards, and the good results which would flow from its exercise would soon lead Parliament to adopt a general law. But it was a great pity that school Boards were not to exist everywhere, as without Boards there could not be compulsion; and in some places, although there was excellent school accommodation, the children would not take advantage of the schools. The real defect of the Bill was, that the Education Department was required not to inquire into the facts of the education of the district, but only to know whether there was sufficient school provision in the district; and for some time they would continue to have many districts where there was ample educational provision; but where the children were only half educated, or not educated at all. He had never wavered in his intention to vote for the second reading of this Bill, which he considered was one well worthy to be considered in Committee. It had been said that Bills were not improved in Committee, but, on the contrary, frequently became worse. That might be true as regarded past Parliaments, but he thought it untrue as regarded the present one. His right hon. Friend (the Vice President of the Council) referred to the Manchester School Committee, and said that in 1867 and 1868 educational measures were introduced into that House, in both of which the religious question was dealt with in the same way as in the present Bill. But those Bills were confined to giving aid to existing schools. The Manchester Bill would have been again introduced this Session had it not been for the Government Bill; but it would not have contained the clause giving unlimited power to a school Board to determine the religious teaching. The Manchester Committee had changed their views, for they recognized the change which had taken place in the opinion of the country; and he could not help thinking that as that Committee, composed, as it was, of the most experienced and earnest friends of education, had, after the fullest inquiry, thought proper to expunge that part of their scheme, it would have been wise of the Government to have followed their example, because he did not think that they would wish to force an obnoxious clause upon a reluctant people. Although agreeing largely with the objectors to the Government Bill, he, from the beginning, had felt anxious to vote for the second reading. He had great confidence in the Government, which had been loyal to the principles which had placed them in power, and kept them there. It would, indeed, be an extraordinary thing if the Government, which had settled the Irish Church question, and vanquished three-fourths of the difficulties of the Irish land question, should make shipwreck of this important measure. So long as it was expedient to legislate separately for separate parts of the kingdom, he should be content to consider the questions affecting them separately. At present the House was legislating for England and Wales; and he believed that a large majority of the people of England and Wales were determined, if possible, that no public money raised by taxation should be used for the support of any school in which the teaching of Catechisms and Creeds was mixed up with the ordinary school instruction. The Nonconformists were unanimous on that point. The working classes, for whose support both sides of the House had often competed, were not denominational. For good or for evil they stood to a large extent outside the limits of religious bodies altogether. The majority of the people of England and Wales would not permit of a mixture of secular and religious teaching in the rate-supported schools. It seemed to him to be impolitic to take a division on this question. He did not agree with the censures that had been heaped upon the hon. Member for Birmingham (Mr. Dixon). No man had done more during the last twelve months for education than that hon. Member; and, in point of fact, he had mainly assisted in producing such a state of public feeling as rendered it possible for the Vice President of the Council to introduce this measure, and had evoked an opinion which would, probably, assist the right hon. Gentleman still further in the subsequent stages of the measure. He hoped this measure might soon become law, and that the day was not far distant when the greatness of this country might be measured, not by its power only, not alone by the breadth and freedom of its political institutions, but by the moral and intellectual condition of that vast class which was lowest in the scale, and without which the country would have no existence.

MR. J. HOWARD said, that, at this late period of the debate, one could scarcely hope to throw much new light upon the question before the House. Nevertheless, as a loyal supporter of the present Government, he wished to say a few words as to the reason why he could not, at present, see his way clear to support the second reading of the Bill, and why he was inclined to vote for the Amendment. He had hoped, and he still hoped, that a statement would be made from the Treasury Bench, which would relieve the minds of hon. Members on that side of the House, and prevent their being driven to oppose a Government for which they entertained so high a regard. Notwithstanding the great variety of opinions which existed upon the subject of education, he thought that they might all be ranged under two general divisions. One class believed that the great object of education was to fit man for the world which is to come; another equally sincere and earnest class maintained that the object of education was to fit man for the work and duties of the present life. Whilst admitting the force of the former view of the subject, he held that so far as the State was concerned its duty ceased when it had provided an education which would fit the rising generation for the work and duties of the present life. Such an education or training, although not its direct intention, would place the children of the country in a position, in after-life, to be able to appreciate and to reap to the fullest extent the advantages flowing from a knowledge of revealed truth. The principle of the Bill was stated by his right hon. Friend the Vice President of the Council to be contained in Clause 14; if so, he objected to the principle of the Bill, or rather to a principle which it involved—the perpetuation and extension of denominational schools. He would not repeat what had been so clearly set forth by previous speakers, as to the local squabbles, which would be engendered; but he endorsed what had been said by his hon. Friends the Members for Birmingham (Mr. Dixon) and Stroud (Mr. Winterbotham). A right hon. Baronet opposite, the Member for North Staffordshire (Sir Charles Adderley), who had just spoken, intimated that the opposition to the Bill arose out of antipathy to the Church of England. He repudiated that assertion; for his own part he wished well to the Church. He (Mr. Howard) believed that the opposition sprung from much broader considerations and far deeper reasons. He regarded the foundation or recognition of denominational schools as one of the gravest errors ever committed by a Government. From the commencement of its adoption, it had blocked the way to a comprehensive system of national education. His objections to these denominational schools were not the growth of yesterday; long before he was a Member of that House, or thought of being a Member, he had both written and spoken against the principle. Now that it was proposed to start afresh, now that Parliament was desirous of inaugurating a new course—one fraught with consequences of the utmost importance to the country,—he regretted that Government proposed to start again on the denominational system. He for one was quite prepared to postpone legislation for a year until this objectionable principle could be eliminated from the national system. He thought his hon. Friend the Member for Sheffield (Mr. Mundella) had greatly exaggerated the evil of postponement, and that the evils he had depicted existed only in his own imagination. He hoped that the advocates of unsectarian education would remain firm and be determined to clear the decks of this denominationalism. He thought that they had enough already of denominationalism; yea, far too much, without extending and perpetuating it in the national schools in every parish throughout the length and breadth of the land. Christianity, he held, was calculated to expand, to deepen, to intensify human sympathies. Denominationalism, on the other hand, was calculated to narrow, to diminish them. He believed that it was desirable for the wellbeing of the country, that the broadest sympathy should exist between the various classes; and as he believed that the denominational element in our day schools tended to narrow the mind and to lay the foundation of prejudices, which might never be eradicated in after-life, he objected altogether to the principle involved. He could not but think that the Bill before the House fell short in not having made absolute provision for the absorption of existing denominational schools into the national system, and this within a given time. It was true that Clause 21 had made such a course possible; but, like many other parts of the Bill, it was of too permissive a character. He would not put a sudden stop to State aid to existing schools; he would give them time to put their houses in order; but he maintained that as the country was about making a fresh start some definite time should be fixed when State aid should cease. Again, he could see no substantial difference between assistance to schools from the Consolidated Fund, or money raised by rates. The principle of State aid was involved in the one and the other. He believed that so strong a feeling existed in the country against State aid to denominations, whether for Church or school purposes, that both the one and the other must ere long inevitably fall. He held it to be the duty of the State to provide a system of education for the whole country, and this not only without subsidizing one Church to a greater extent than another, but without subsidizing any Church at all. Having said thus much against denominational schools for England, he would remind the House that his observations applied with four-fold force to Ireland, in which country sectarian hatred was far more bitter than in England. He had been told in that House that there was some intention on the part of the Government to extend the denominational system to Ireland. He hoped there was no foundation for the rumour for the system would undoubtedly be attended with greater evils in that country than in England, and the attempt would raise a violent storm of opposition. He might be asked, as he had often been told when opposing denominational schools—Then you would banish all religious teaching from our schools? Certainly not; the two things are as separate and distinct as two such cognate questions, like denominational teaching and religious teaching, can well be. But he confessed that if the question of denominational teaching could not be adjusted, then he would join his hon. Friend the Member for Stroud and others in demanding a purely secular education. He, however, accepted it only as a *dernier ressort:* he believed, however, the difficulty might be overcome, if the present Government would fairly grapple with it. The other evening the right hon. Member who introduced the Bill read a letter from Birmingham; he (Mr Howard), with the permission of the House, would read a brief letter on the same subject from the head master of one of the great public schools at Bedford—

"Bedford, Feb. 13, 1870.

"My dear Sir,—All religious teaching in our school is based upon the Bible. Our attention on this head is confined to the moral teachings of the book and its historical associations. Doctrinal matters we studiously avoid. Each day's work (Saturday excepted) is begun with a reading of a portion of one of the Gospels and a short prayer. The classes are then catechized by the masters on the passage that has been read, with a view to explaining peculiarities of phraseology, historical allusions, &c. Jews, Catholics, and, generally speaking, all those having conscientious scruples are excused attending prayers and religious teaching at the request of their friends. Two only out of 320 pupils claim this exemption. These are sons of a Jew. Selections from the Book of Proverbs are read on Saturday mornings. The school is closed with prayer and readings from the Psalms. I have never experienced the slightest difficulty in carrying out my arrangements for religious teaching; and I have no hesitation in attributing this circumstance to the rule I have always observed of making the study of the Bible an optional work. Special prizes are given for proficiency in Biblical literature; and the monitors frequently extend their theological studies to *Trench on the Parables,* Paley's *Evidences* and *Horæ Paulinæ,* &c.—I am, yours very truly,

"WILKINSON FINLINSON."

He (Mr. Howard) would call the attention of the House to the fact that into these Bedford schools no clergyman or minister is permitted to enter to control, or to interfere, in any way, with the religious teaching. Doctrinal instruction being avoided, no difficulty had been experienced—having been a scholar, and subsequently a trustee for twenty years, he was in a position to say the results had been highly satisfactory, notwithstanding the fact that the masters had belonged to various denominations. What the country feared, and what he believed the country was determined to resist, was that the parochial clergy would, to advance their own influence, seek to monopolize the management of the schools of the people. If this were provided against, he believed there would be few objectors to the Bible and religious teaching. He had received a great number of communications from different parts of the country on what had been termed the "religious difficulty." One from a market town in his own county was so temperately worded and so much to the purpose that, with the permission of the House, he would read it—

"Leighton Buzzard, Beds., March, 1870.

"1. We very earnestly deprecate all denominational and sectarian teaching, and though we should prefer the use of the Bible in these elementary schools we would rather forego that advantage than have such a heritage of strife and ill-will bequeathed to us as will inevitably result from the passing of the Bill as it now stands. We look upon a Conscience Clause, however well meant, as utterly futile, and in more ways than one highly objectionable; and we think that for the better securing of this unsectarian teaching all the existing public elementary schools should be brought under the control of the school Boards."

"2. We think that these Boards should consist of not less than six; that they should be formed in every district immediately on the passing of this Bill; that the election thereof should vest in all householders, and that the election itself should be by ballot or voting papers.

"3. That the employment of the compulsory powers vested in the Board should be imperative and not merely permissive.

"4. That where a rate is levied by the school Board it should in all fairness be applied in equal proportions in aid of all the public elementary schools in the district.

"In submitting these views to your consideration, we have only one very simple purpose to serve. We are not anxious to hinder the progress of the Bill, but we are desirous to see every element of strife and dissatisfaction eliminated from it."

It had been with very great reluctance and much deference that he, a young Member, had presumed to differ so widely with the Government upon the principle of the Bill before the House. It appeared to him, however, that on entering upon the question there were four courses open—Government might have adopted the secular theory; it might have defined what religious teaching should be imparted, or, what was perhaps far easier, it might have put the matter negatively, and prescribed what should not be taught; and, lastly, there was the course which had been adopted in leaving the question to local authorities—a course he could not but think the most objectionable of all. A few nights ago his right hon. Friend the Vice President of the Council (Mr. Forster) made use of the following words:—"There should be no dogmatic teaching in State-supported schools." If that were the opinion of the right hon. Gentleman, if he held so sound a principle, why had he not introduced a clause into the Bill to give effect to it? If the religious teaching were left, as the Bill proposed, to the absolute control of local authorities, it would be liable to constant and sudden changes as the Ritualists or Evangelicals, the Nonconformists or Churchmen, the Papists or Protestants gained the ascendancy on the school Boards; and these changes in the teaching would result in the confusion of the scholars, the vexation of the parents, and the engendering of local strife. With respect to the compulsory principle, he would confess that for years he was opposed to direct compulsion; he had regarded it as an undue interference with the liberty of the subject; but his observation of the system, as adopted in America and in Prussia, had made him a convert to the principle of compulsory education. It had been said that it was contrary to the principle of our law and constitution. He believed that it was in keeping with them; he did not profess to be greatly learned in law, but he had always understood that a fundamental principle of law was the protection of the weak against the undue exercise of power on the part of the strong; he would ask the House with confidence what portion of society was so weak, so helpless, as the youngest? Our neglected children must be rescued from the ignorance in which so many parents now brought them up. He would point out one feature that had not been recognized — if direct compulsion were passed, it would not remain practically in force beyond the present generation; for parents who had experienced the advantages of education themselves would not trouble the State to enforce education upon their children, but would readily avail themselves of the means provided. He confessed that at first sight direct compulsion appeared a strong measure; but in Prussia he had inquired of landowners, farmers, and peasants, and in no case had he found it to be irksome or burdensome. He would not leave the adoption of compulsion to local authorities; a farmer in Prussia, whom he (Mr. Howard) asked if school attendance there was always enforced, slily replied—"No; when the burgomaster is a large farmer, in busy times he sleeps." In other words, the children were sent to work in defiance of the law of Prussia. It was alleged that the agricultural labourers would suffer most from the compulsory system. He (Mr. Howard) was a large employer of labour in agriculture, as well as in manufactures, and he entirely dissented from that opinion. When Dr. Fraser, the present Bishop of Manchester, came into Bedfordshire to inquire into the subject of education in rural districts, he held a conference with his (Mr. Howard's) farm labourers, who expressed an opinion that if their children went to work before they were eleven years old, their earnings would be of no advantage to them, because their extra clothing and food would cost as much money. Moreover, if the supply of juvenile labour be cut off or reduced, the rate of adult wages would rise in a corresponding ratio. His right hon. Friend the Vice President of the Council had said that the principle of the Bill was contained in Clause 14. He believed he had discovered another in

Clause 42; this appeared to him to introduce a novel and objectionable principle of legislation, because under it the Education Department would have power, and this without any limits as to time, place, or amount, to tax one district for the support of education in another. Should the Bill go into Committee, he should move that this objectionable clause be struck out. In conclusion, he would express an opinion that the potential mood was far too freely used in the Bill, and he hoped that before the measure came out of Committee much which was now in the potential would be changed into the imperative mood.

COLONEL BERESFORD said, * Sir, I should not obtrude myself on the notice of the House, whilst yet so imperfectly acquainted with the intricacies and forms which exist, but for the deep interest I take in the important subject of the education of the people; but I am sure that the House will on this occasion extend to me that indulgence which it is in the habit of showing to new Members, whilst I endeavour to explain my views about the Bill. I will briefly state some of my principal objections to the Bill. I object that the Holy Scriptures are not ordered to be read in the schools; that there is no attempt whatever to limit the right to send children to the elementary school; that there is no separate school provided for the education of the children who must be washed, clothed, and fed before they can learn; that the Chancellor of the Exchequer is to save £660,000 by the operation of the Bill, and at the expense of the ratepayers: that compulsory school rates are to be collected with the poor rate; and that no assurance is given that the present Parliamentary grants will be continued to the existing denominational schools. Before offering any remarks in support of these objections, I must refer back for a moment to the day on which I had the honour and gratification of taking my seat in this House. It was on the same day that the right hon Gentleman the Vice President of the Council introduced his Bill, and I listened with great attention to the right hon. Gentleman, whilst he unfolded his scheme to the House; for there was pressing on my memory the announcement made by the right hon. Gentleman the President of the Board of Trade in his manifesto, in December last, at Birmingham, on which occasion the right hon. Gentleman not only signified his own approval of the Education League scheme, but declared that it had been endorsed by the Government. The two main features of that scheme are—(1) entire secular teaching, and (2) compulsory rates. The right hon. Gentleman the Vice President a few days later addressed a meeting in the North of England on education; but he was quite silent on the subject of the Education League. It was, therefore, with much satisfaction that I heard the Vice President, on coming to what he described in his speech as the "religious question," use the following language:—

> "We make the school Boards the managers and leave them in the same position as that of managers of the voluntary schools. . . . Ought we to restrict the school Boards, in regard to religion, more than we do the managers of the voluntary schools? We have come to the conclusion that we ought not. We restrict them, of course, to the extent of a most stringent Conscience Clause."

But the Vice President went further. He said—

> "If we are to prevent religious teaching altogether, we must say that the Bible shall not be used in schools at all. But would it not be a monstrous thing that the Book which, after all, is the foundation of the religion we profess, should be the only book that was not allowed to be used in our schools. But then it may be said that we ought to have no dogmatic teaching. But how are we to prevent it? Are we to step in and say the Bible may be read, but may not be explained?"

Sir, having a strong impression that where the present denominational religious voluntary principle, involving the reading of the Scriptures daily, is working well—and it is decidedly doing so in a large number of parishes throughout the country—it should not be lightly interfered with nor prejudiced, I cordially joined in the cheers which greeted the right hon. Gentleman from both sides of the House on that announcement, and I entirely agree with a remark which fell from the right hon. Baronet the Member for Droitwich (Sir John Pakington) shortly after, that "for every possible reason, domestic and foreign, it is most necessary to have a real system of national education." Sir, I heard the Vice President of the Council say also—

> "That no one could occupy his office without being fully aware of what the country owes to the managers of schools at present in receipt of Government grants. . . . . . We must take care

> not to destroy in building up—not to destroy the existing system in introducing a new one. . . . Our object is to complete the present voluntary system, to fill up gaps, sparing the public money."

I was thankful to hear this, but having provided myself with a copy of the Bill, I perused it carefully, and I believe, as a result of that perusal, that the burdens will indeed be laid upon our constituents in the shape of local rates and in relief of the Chancellor of the Exchequer; that the effect of it will be to do away with voluntary zeal, to do away with voluntary subscriptions, and speedily to annihilate the voluntary system. I wish it to be distinctly understood that I sympathize with those schools which have adopted the Conscience Clause, and in which the Bible is read in the authorized version. The Vice President speaking of his Bill described it as "constructive legislation." It is indeed so, for you can only find out what is to be, or what is not to be, by dragging a clause out of its place, and putting it alongside another, and comparing them together. I altogether miss that full, open, manly, English declaration in the Revised Code—

> "That where there is in any parish a public elementary school, supported by voluntary contributions, by Parliamentary grants, and by school fees, with the Conscience Clause sufficient and efficient, nothing in this Act shall be allowed to prejudice or affect that school, and throw any portion of the expense upon the ratepayers."

Also—

> "That every school aided by a grant must be either a school in connection with some recognized religious denomination, or a school in which, besides secular instruction, the Scriptures are read daily from the authorized version."

The Vice President also stated—

> "That the Government would do what the great body of the parents wish—namely, to have religious training and the Bible in the schools, guarding the rights of the minority."

Now, I ask, how is all this carried out by the Bill? In Section 83 it is enacted that—

> "The conditions required to be fulfilled by an elementary school, in order to obtain an annual Parliamentary grant, shall be those contained in the Minutes of the Education Department for the time being."

Two of those conditions are unlimited inspection and the Conscience Clause, but many others may be inflicted to the destruction of the voluntary system. Voluntary subscriptions may have to be more, school fees by parents to be increased, Parliamentary grants decreased, religious training by masters objected to, the clergymen excluded; anything, in short, you please, depending entirely upon the temper of the Education Department for the time being; and what is that temper likely to be? No doubt the right hon. Gentlemen opposite think they have taken a long lease of the Bench they occupy; and what is to be expected from the Vice President of the Council, with two such Colleagues as the right hon. Gentleman the President of the Board of Trade, and disciple of the National Education League, at one elbow, and the right hon. Gentleman the Chancellor of the Exchequer, whose hostility to the denominational system is well known at the other, pushing him to the front to carry out their views. I find it frequently enacted what may not be done by this Bill. In short, it is an Act of Parliament of negatives. In this very section (83rd) it restricts the conditions to be imposed—

> "They shall not require that the school shall be in connection with a religious denomination, nor that religious instruction be given in the school."

I want a plain declaration that in all schools the Bible shall be read in the authorized version. Well, Sir, I naturally turn to see what is an elementary school, within the meaning of the 83rd section, entitled to a Parliamentary grant. I find it defined to mean—

> "A school where elementary education is given, but is not to include any school where the children are clothed and fed, or where the children's payments exceed 9*d.* per week."

I then go to Section 7, to see how this elementary school is to be conducted in order to be entitled to a grant, and I find the word "public" added to elementary school, without any explanation of the term. I suppose it means "open to all comers." This at once appears to me fatal to the present voluntary system, in which the school fees are required to be equal to the voluntary subscriptions and the Parliamentary grants. The "gutter" children, as they are called, are excluded; therefore, the voluntary system is not "public," and this condition is not fulfilled. The Chancellor of the Exchequer would at once stop the grant. In the same section (No. 7) two of the heads are of the same negative character I have complained of—

> (1.) "No Inspector shall, except with the consent of the Education Department, and on request of the managers, inquire into religious instruction or

examine any scholar thereon; (2.) no child shall be required to attend or to abstain from attending any Sunday school."

I object to this on the ground that the now religious examinations should be clogged with such difficulties. The managers must request, the Education Department must on every occasion consent, and a special Inspector must then be provided for the duty. These difficulties are intended, or at all events will operate, as a blow to the religious denominational system, and will shortly prove fatal to it. Who will volunteer money for a school supported by a compulsory rate not exceeding 3*d.* in the pound? I say, therefore, that the birth and parentage of this Bill is the National Education League, and that the child has been dressed up in the clothes of the National Union simply to beg the sympathies of the House. Any hon. Member who will take the trouble to handle and fondle the child will find out the sham. I will now turn for a moment to one of the main objects of the Bill, which is to relieve the Chancellor of the Exchequer, by reducing the Parliamentary grant paid out of public taxes, and to throw the amount on the local taxation—that is, on the poor rates. The Parliamentary grant to schools for 1,500,000 children last year, was £415,000; school fees, £420,000; voluntary subscriptions, £420,000; total expenditure for 1869, £1,255,000. The Vice President calculates that under the present Bill the children to be helped will be 3,000,000. If the cost should not exceed the present cost per child on the voluntary principle, the total cost for the 3,000,000 will be just double that of last year—namely, £2,510,000. The voluntary system has produced 10*s.* per child, and the rates are to furnish the same sum, which you will see from the 84th section: 3,000,000 at 10*s.* amounts to £1,500,000 from local rates. Deducting the £1,500,000 from £2,510,000 required, the sum of £1,010,000 will be left. Doubling the school fees (£420,000 last year), £840,000 will be derived from this source; and deducting this sum from the £1,010,000 the amount left for the Chancellor of the Exchequer to pay will be £170,000 only, whereas on the present principle, the amount of Parliamentary grant would be £830,000. So Imperial taxation is taxed £660,000 at the cost of the ratepayers. The right hon. Gentleman the Vice President says that his system will cover the country. No doubt; and I am of opinion that, as all voluntary subscriptions will cease, the Government should provide four-sixths of the total cost of educating the 3,000,000 of children, and the school fees the remainder, any deficiency in the latter to be paid by local taxation. I will very briefly make one or two comments upon those of my objections not yet touched upon, three in number. I am entirely opposed to throwing open the schools to all classes, because there are plenty of persons able to pay for the education of their children who will selfishly avail themselves of the compulsory schools, and consequently the poorer ratepayers will be taxed for the education of those better off. I object to the compulsory school rates being collected with the poor rate, because that rate is already encumbered with the county rate, the highway rate, the police rate, and expense of preparing registers of voters. The rate should be collected quite distinct from any other. Again, no provision is made for the children who must be washed, clothed, and fed before they can learn. They should be sent to the present Union schools. I will not detain the House for more than two or three minutes to offer some general remarks on the Bill. The Bill of the right hon. Gentleman was originally the National Education League, pure and simple. To secure support—to satisfy those who do not take the trouble to look closely into the matter, the National Education Union has been grafted on to it. The branch will die, and the tree will remain. The whole tendency of the Bill is in that direction. The idea of being suffered to teach religion, instead of its being made an integral portion of every child's education! The fear of God is the beginning of wisdom, and no education can impart moral principle which is worth the having in time of temptation except a religious one. I hope that I have helped to expose the defects and emasculate the child of the right hon. Gentleman, and to put in a truer though darker aspect the Bill which dawned upon us with such a roseate hue. In conclusion, I thank the House for its kindness, and, mindful of the impassioned tones of the right hon. Gentleman the Prime Minister, last Friday, when appealing for justice to Ireland, I appeal to him now for justice to the 3,000,000 of little children we have now to educate. I appeal to him that the good seed may be sown in our schools, that the knowledge and love of God may be implanted in their hearts, and that the Book of Life may be ever open to them; and if the right hon. Gentleman refuse to listen to me, I shall nevertheless have the comfort of knowing that I have lifted up my humble voice against a scheme I believe to be irreligious, and still more of trusting to that Power above—which no Government, no Minister, can control—to render the Bill of the Vice President abortive in its present shape.

Mr. H. RICHARD: * I should not have attempted to take part in this discussion, amid the hot competition which prevails here to-night, but for this—that I believe a large number of my Nonconformist countrymen in Wales are looking to me to give some expression to their views and feelings in reference to this Bill, which they think will, in various ways, affect them seriously, and some of the provisions in which they regard with deep anxiety, indeed, I may say, with great apprehension and alarm. The House may have observed that a large number of Petitions has been presented from that part of the country, against certain portions of the measure; and, I dare say, most of the Liberal Members for Wales have, like myself, received private letters in which the objections embodied in the Petitions, are expressed in language yet more energetic and decisive. And I must be permitted to say, with all due respect to my hon. Friend the Vice President of the Council, who thinks that these apprehensions are groundless, or greatly exaggerated, that those among whom such a measure as this is to come into operation, and who know intimately the conditions of society under which it is to operate, may be taken as pretty competent judges of what the practical working of the measure is likely to be. The circumstances of Wales in this, as in other respects, are very peculiar, owing to the fact that the great bulk of the people—I will not attempt to state the precise proportion, as that may be open to difference of opinion, but by universal consent an overwhelming majority of the people, and especially of the people likely to be affected by this Bill—belong to the various Dissenting bodies, to whose zeal and activity it is owing that the Principality is not at this moment a moral and spiritual wilderness. This has been frequently and frankly acknowledged by candid Churchmen themselves. The present excellent Bishop of Llandaff, in one of the Charges he delivered to his clergy some years ago, made use of this expression—

> "Had it not been for the exertions of Dissenting bodies, our people must have been consigned to a practical heathenism, and left in ignorance of the name of Christ, having no hope, and without God in the world."

But until lately the Dissenters of Wales have not displayed the same activity in establishing day schools as they have in the erection of places of worship, and in the organization of Sunday schools. There were various reasons for this. In the first place, they trusted very much to the Sunday schools, which, in Wales, are far more important institutions than they are in England, as not children only, but a large proportion of the adult population habitually attend them. Nor did they trust altogether in vain, so far as religious education was concerned, as I believe that, even before day schools were established, the great body of the people had, by their means, been taught, at least, to read their Welsh Bibles fluently and intelligently. Besides which the Nonconformists had a great work on their hands in building their own chapels and supporting their own ministers and religious institutions, much of which is done for the Church of England out of the national endowments. But there has been another obstacle in the way of Dissenters building day schools, and that is the difficulty of finding land on which to erect, for many landlords in Wales have set themselves resolutely to refuse sites on which to build unsectarian schools. In spite of all this, however, they have, within the last few years, erected between 200 and 300 British Schools. Still the large majority of day schools belong to what is called the national system, so-called in Wales certainly on the principle of *lucus a non lucendo*, seeing that they are not in any sense national. I am willing to give every credit to the members of the Church of England for their zeal and liberality in the establishment of day schools. I only wish that their zeal had not been so subordinated to purposes of proselytism. ["Oh, oh!"] Such certainly has been the case. Before the imposition of the Conscience Clause by the Government as the condition of receiving public grants, the teaching of the Church Catechism, and attendance at Church Sunday schools, were rigidly enforced on the children of Nonconformists. And since the introduction of the Conscience Clause the grievance has not ceased, for the Conscience Clause is no protection to the poor man. And in Wales the grievance is attended with this peculiar aggravation, that, whereas the Conscience Clause was originally intended I presume to protect a minority against the ecclesiastical intolerance of the majority; in Wales, on the contrary, it is the overwhelming majority who have to seek the protection of the Conscience Clause, against the ascendancy and intolerance of a very small minority. My conviction is, that my right hon. Friend, in preparing this Bill, has underrated the gravity and extent of the religious difficulty. This is a kind of error into which statesmen are very apt to fall; that they do not make sufficient allowance for the reality and force of the religious convictions—or, as they perhaps may consider them, the religious prejudices—that exist among large bodies of their countrymen. How to account for this I do not know, unless it be that statesmen themselves might often be, perhaps, persons of easy religious belief, inclined to think with the poet that for—

"Forms of faith none but graceless bigots fight."

And so, not being able to understand or sympathize with such things, they refuse to believe that what appear to them matters of very trivial significance, may be regarded by others as questions of grave and vital importance. It has frequently been the case that these gentlemen have introduced measures in which they have overlooked the religious feelings of their countrymen, and then found that they had been calculating without their host; and, upon meeting with difficulties, by them totally unexpected, they express the most innocent surprise, just as my hon. Friend has done in this case, at the opposition raised against his Bill. The right hon. Gentleman had stated that the religious difficulty was one that did not originate with parents, but was merely fostered and stimulated by ministers of religion. Well, certainly, so far as Wales is concerned, it is not true. That question was brought to a kind of crucial test about ten years ago. Mr. Bowstead, the very able Inspector of British Schools in South Wales, in one of the Reports he presented to the Committee of Council, inserted a paragraph to this effect—that National Schools were unsuitable to Wales, and that the people felt great reluctance in sending their children to them; because—such are his words—

> "They ran the risk of being imbued with Catechisms and formularies which they themselves held in a sort of abhorrence."

In his next Charge the Bishop of St. David's—I wish to refer to that distinguished Prelate with profound respect—animadverted on this passage, and indeed contradicted it, and declared that Mr. Bowstead was mistaken in saying the Welsh people disliked the religious teaching given in National Schools. The Bishop of St. David's said this in perfect good faith. Mr. Bowstead, when he found his statement challenged from so high a quarter, felt it his duty to take means to make good his allegations. He prepared, accordingly, a circular letter stating the matter in dispute between the Bishop and himself, and sent it to about 300 persons in all parts of South Wales — men of all religious denominations, laymen as well as ministers, persons whose position was humble and obscure, as well as those of a higher grade in life—asking them if he had misrepresented the sentiments of the Welsh people in the matter in question. The result was, as anyone acquainted with the state of opinion in the Principality might have anticipated, that there was a perfect consensus among all these 300 witnesses in support of Mr. Bowstead, many of them repeating, in stronger language than he had used, their conviction of the universal antipathy which the Dissenters of Wales felt to the teaching of the Catechism to their children. But we have evidence on this point of a much later date. In the very last Report presented by Mr. Bowstead to the Committee of Council, he makes the following emphatic declaration:—

> "In every part of England with which I am acquainted—and I have inspected schools in some twenty English counties—I have found numerous instances of sacrifices made by working men, and by others in almost equally humble positions, for the sole purpose of securing for their children an education which would be consonant with their

own views of religious polity or principle. But in Wales the feeling upon this subject pervades the whole mass of the common people, and its development may almost be said to constitute the history of educational progress in the Principality during the last few years. Education on the principles of the Established Church has been freely and extensively offered to the Welsh people, both in their week-day National Schools and in Sunday schools; but nine-tenths of them are Nonconformists, and instead of accepting these offers they have everywhere struggled, or are still struggling, at whatever cost, to establish unsectarian schools of their own, and to free themselves of what they regard as the trammels of Church Catechism, Church formularies, and Church influence. The exertions that are put forth, and the sacrifices that are made, with this view, by persons from whom such exertions and such sacrifices are least expected, are really remarkable."

He then goes on to say that it is the practice in the large works of South Wales for the masters to impound a part of their workmen's wages for the purpose of paying for the education of their children. Of this no complaint is made, as it is found to work very well when the masters respect the religious convictions of the men by establishing schools that are unsectarian. Then he proceeds—

"But there is another class of works in which the employers use the fund collected by a deduction from the men's wages to establish Church schools, and to bring up in Church principles a set of children whose parents are generally Dissenters, in the proportion of, at least, nine to one. In some cases of this kind which have come under my notice, I find great discontent prevailing among the people employed. In several of them the workmen submit, as they are obliged to do so, to the deduction of the poundage, but send their children to other schools, and pay the usual school fees for them there. Thus they pay twice over for the education of their families—once, in the works by a deduction from their wages, in return for which they get nothing that they can conscientiously accept; and, a second time, in providing weekly school pence for the instruction which is in accordance with their views. Nay, in many instances, they have done more than this—they have built schools at their own expense."

It is said that the questions at issue in connection with this religious difficulty are of no importance except as they are magnified by sectarian jealousy. I entirely deny that, and I honour my countrymen because they are not indifferent to the kind of religious doctrine taught to their children. Take, for instance, what is involved in teaching the Church Catchism to the children of Nonconformists. It is not a question of dogma merely, but of simple morality. You take the child of a Baptist, and require him to say that he has been regenerated in baptism, when he has never been baptized at all. You require the children of other Nonconformists to say that their godfathers and godmothers have promised and vowed certain things on their behalf, when they have never had godfathers or godmothers. And is it not a most singular notion to begin the religious education of a child by—I will not say obliging him—but by even permitting him, to repeat that which on his lips at least is nothing else than a simple and deliberate falsehood? But there is another point to which I must allude, though it is one of some delicacy, as it will throw considerable light upon the strong feeling which exists among my countrymen on this subject. I allude to the fact that the teaching of the Church of England—the teaching that is founded on the Catechism and other formularies—has within the last twenty years undergone a marvellous development, and that in a direction that is singularly obnoxious to us as Protestant Dissenters. Will the House permit me to give an illustration of what I mean? In North Wales there is a normal school at Carnarvon for training young persons to become teachers in National Schools. At the head of that institution is a clergyman of the name of the Rev. J. Sydney Boucher. I will give the House a few extracts from the divinity examination papers which this gentleman has prepared for his pupils, the young persons, remember, who are to go forth and become the teachers of little Nonconformist children in North Wales. I take them from a pamphlet published by Mr. Boucher, in which he defends and develops at great length the sentiments they contain.

"Show that the Sacraments, as administered by Dissenters, must be mere blasphemous fables and dangerous deceits. . . . . Dissenting ministers being merely laymen, there is no promise or warrant for supposing that what they do on earth Christ will do in heaven, or that he will be present to bless their ministrations. What inference do you draw? . . . . No Bishop, no Church. Explain this, and show that what the world calls mere questions of Church government are really matters of vital importance. . . . . Men do not emigrate for what they can, but for what they cannot obtain at home. Show that there is perfect safety in the English Church, and that to leave her for any other Church, or any mere sect, must be a most fatal error. . . . . Puritan doctrine is popular because it is convenient and comfortable. Church principles are not conformed to this world, and therefore the world hates them.

Give illustrations. . . . . Show from Scripture that a real Presence is essential to both sacraments. . . . . Show that the phrase 'Protestant faith' indicates a ridiculous impossibility."

Now I do not cite these extracts in order to censure them, much less to controvert them. Any man has a perfect right to teach things, if he thinks fit. Any Church has a right to teach them if such are really its doctrine. But you can understand, at least, why the Nonconformists of Wales should not wish to be compelled to send their children to schools where such doctrines are taught. Perhaps my right hon. Friend will say to me—"You have the protection of the Conscience Clause." I shall have a word to say about that directly. But, in the meantime, observe that there is no Conscience Clause for ratepayers, and even if we could protect our own children perfectly from such teaching, we object to pay for supporting schools to teach such doctrines to anybody's children. Now, as to the Conscience Clause. That is, at best, a bungling and unsatisfactory expedient. It might have done very well for a time of transition, while the Churches were unlearning the notion of which they had become possessed, that they had a sort of divine or prescriptive right to control the education of all the children of the country. The Conscience Clause was useful in letting them down gently from that high pretension. But I should be sorry that it should become a permanent part of our educational legislation. For what is it but a kind of educational Toleration Act? I had hoped that we had got beyond that—I had hoped that we had all seen and felt the utter presumption of any man, or any body of men, saying to another body of their fellow-men and fellow-subjects—"We will tolerate you in professing the faith you believe to be true, and in worshipping God according to your conscience." But that is what a Conscience Clause distinctly says. It says—"If you pay towards supporting a school in which our creed is taught, we will tolerate you so far as to permit you to withdraw your children when that creed is taught." But I may be told that in Wales the Dissenters, being in such a majority, can have everything their own way in choosing the Town Councils and Vestries who are to appoint the educational Board. Yes, but there is no freedom of election in Wales; and though we might, no doubt, if we could induce the people everywhere to resist the influences, and to make the sacrifices necessary for the purpose, carry the election by force of our numerical majority, we think we have no right to call upon the people to submit to all that as a condition of obtaining an unfettered education for their children. My right hon. Friend the Vice President of the Council said the other day that we are not agreed among ourselves as to what we want. He excited a good-humoured laugh at my expense by repeating a remark that I made while accompanying a deputation from Wales—which had the honour of waiting upon the Prime Minister and himself. Being asked as to the meaning of the two words "secular" and "unsectarian," inserted in the Memorial presented on that occasion, I said that perhaps they intended to meet the views of two sections of the community, some of whom were in favour of excluding the Bible altogether, and others were anxious to retain the Bible and exclude the Catechisms. I am happy, however, of having this opportunity of saying that the gentlemen who prepared that document disallow my interpretation, and adhere to their own, which is—that by the collocation of the two words they meant that the instruction should be secular, and the management unsectarian. I admit, however, that there is considerable diversity of opinion among my countrymen. There are some who feel a strong repugnance to the total exclusion of the Bible from the day schools. But there is another class, who, seeing the inextricable difficulties that surround the question of religious instruction in rate-aided schools, especially in the thickly-peopled parts of South Wales, where there are not only Churchmen and Dissenters, but a considerable Roman Catholic element, are forced to the conculsion that the only partial solution of the difficulty is to make the school instruction secular, and to leave the religious instruction to the parents and Churches. And among those who hold this view there are many who are most earnestly concerned for the religious character of their countrymen, and who hold in as profound reverence as my right hon. Friend, or Dr. Newman, the old English Bible, or rather the old Welsh Bible, which is a still finer version than yours, in proportion as the

Welsh is a much finer language than the English. Mr. Bowstead, in his last Report, says that—

> "Looking at the difficulties caused between Church and Dissent, and between Protestant and Roman Catholic, many eminent educationists in his district had arrived at the conclusion that the work of the elementary schoolmaster should be limited to reading, writing, arithmetic, and other purely secular elements of knowledge."

And the Inspector of Church of England Schools in Mid-Wales makes a similar recommendation. For my part, I should be satisfied, for the present, by the adoption of the Amendment placed on the Paper by my hon. and learned Friend, the Member for Stroud (Mr. Winterbotham). But I am anxious to impress upon the House that if any of my countrymen are coming to the conclusion that even the Bible should be omitted from the day school, that does not arise from indifference to the Bible. There is no people in the world who entertain a more profound reverence for it than the Welsh; and no people, I venture to say, into whose daily life the spirit and substance of that book have more fully entered. No better proof of this can be afforded than in the immense number of copies of the Scriptures that are in circulation in the country. The Bible Society alone, from its establishment in 1806, has sent more than 1,500,000 copies to Wales, and it sends still, on an average, 60,000 copies a year. No part of the kingdom contributes so large a sum, in proportion to the population, to the work of providing Bibles for others. Last year the people of Wales sent up £7,000 in free contributions to the Bible Society, and all England only £42,000, whereas, if English contributions had been proportionate to those from Wales, they would have amounted to some £120,000. There is another striking fact, mentioned to me lately by a correspondent, who said—

> "You need not fear if the Bible were excluded from the day schools, that the Welsh people would neglect that book."

In eighty-one Sunday schools of one body—the Calvinistic Methodists—in one part of Carnarvonshire, nearly 100,000 chapters and more than 1,000,000 verses of the Bible were committed to memory. There is one other observation I wish to make. We must not forget, while fighting the battle of the Churches—and I do not for an instant admit that the matters in this conflict are of trivial moment—that there lies the great body of the working men, who unhappily in England, though I rejoice to say not in Wales, lie outside the pale of all our Churches, and they have something to say on this subject. And there may be a danger, that, by forcing religion upon them, in connection with the education of their children, we may provoke a dangerous prejudice against, and a recoil from, religion altogether. Much has been said about Germany in the course of this discussion, which has been held up to us as an object of admiration and of emulation. But there may be something in Germany that may prove a warning as well as an example. In Prussia there is thorough religious instruction given in all schools, which is also strictly enforced. First, the school is opened and concluded with prayer, consisting of the Lord's Prayer, the morning and evening benediction; and, for the elder children, other prayers from the liturgy in use in the churches. Then the Bible is taught as a whole, or in selected lessons. All the children are obliged to learn Luther's Catechism, which, as some hon. Gentlemen may know, contains a good deal of direct and positive dogmatic teaching. There is a book of hymns, which treat of fundamental points of Christian faith and practice; and every child must learn thirty, and in some schools fifty, of these by heart before leaving the school. In addition to all of which, the pastor of the parish is *ex-officio* local inspector; and inspection means something very different from what it does among ourselves—involving constant active superintendence and direct religious teaching on the part on the minister. Well, and what is the result of all this? Does all this elaborate instruction in day schools make the Prussians a religious people? So far from it, there is probably no people in Europe so utterly indifferent to the doctrines and observances of Christianity as the Prussians. Some hon. Gentlemen may remember a remarkable correspondence on this subject which appeared in *The Times* of last August, principally in letters from the Berlin correspondent of that paper, himself a German and a Protestant, and writing apparently in a tone of deep regret for what he was obliged to say of his countrymen. In one of his letters he says that three-fourths of all educated men in Germany are estranged from the dogmatic teaching of the Christian creed—estranged from it to the extent of disbelieving the sincerity of many of the clergy. Only a small fraction of the nation attend divine service. Another correspondent of the same paper — the Rev. John Anketell, rector of the American Church at Dresden, confirms all that the other had said—

> "The condition of religion here is, in the view of every Evangelical Christian, simply deplorable. Leading ministers of Saxony have admitted to me that if the hand of the State were withdrawn, the majority of the people would renounce even the outward form of Christianity, as they have already renounced its truth.."

In a subsequent letter, the same gentleman writes—

> "Out of a Protestant population of over 150,000 only 6,000 or 7,000 attend public worship on the Lord's Day."

In the life of the celebrated preacher and writer, Dr. Krummacher, lately published, "I find," he says—

> "That of the population of Berlin, approaching 500,000, not more, after deducting the number of the military attending the garrison churches, than 30,000 persons, and those mostly women, attend the public worship of God."

In connection with all this, there is one other extract from the Berlin correspondent of *The Times*, to which I ask the attention of the House—

> "To crown all, the Government forces the children of all parties alike to learn the Catechism by heart; and in proportion to the spread of infidelity, so are they intent upon cramming the youthful minds with texts and hymns. Yet the scriptural antidote is so unavailing to stem the progress of the tide, that people do not think it worth their while to remonstrate against it."

Sir, it would become me less than almost any Gentleman in this House, if I may presume to indulge in so personal an allusion, to say anything that would seem to imply indifference to, or a low estimate of the necessity and value of religion as an element in the education of a human being. God forbid that I should say or imply anything of the kind. On the contrary, no language I can employ would adequately convey my sense of its supreme and inexpressible importance. But the question is not whether we shall give religious instruction to the children of our people, but which is the best way of giving it—whether by so engrafting it on the secular education, that the one cannot be obtained without the other, or by giving it apart? I am not now arguing for a secular education. But I say that there may be a danger that, if we force religion upon the working classes of this country, by making their acceptance of it a condition of their receiving the simple elements of secular knowledge, we may produce a revulsion of feeling similar to that which we witness in Germany. I acknowledge that to allow an un-Christian population to grow up amongst us would be an infinite calamity. But there is something still worse, and that is an anti-Christian population, disgusted and driven off in violent repulsion from Christianity by our injudicious attempts to force it upon them. The best way, in my judgment, to teach religion is, not by any mechanical appliances supplied by the State, but by the power of Christian faith and love. And I do not believe that, if religion were excluded from the school, the thousands of earnest clergymen of all denominations, who have devoted themselves with so much admirable energy and self-sacrifice to the education of the poor, would neglect the work of supplementing the school instruction by religious teaching and influence. I thank the House for the patience with which it has listened to me. I earnestly hope that the right hon. Gentleman the Prime Minister will give us such assurances as to render it unnecessary for us to divide. No one on this side of the House has any wish or any interest in embarrassing the Government—but there are some principles we are bound to guard. I yield to no Gentleman in this House in my anxiety for the education of the people. It has been one of the hobbies of my life. According to the small measure of my ability and influence, I have been labouring for it for thirty-five years. But I cannot accept even education at the cost of imperilling the rights of conscience, and sacrificing that religious equality to which we stand pledged before the face of the country.

Mr. BIRLEY said, he intended to vote for the second reading of the Bill, and he hoped it would come out of Committee so amended that he would be able to vote for the third reading with equal satisfaction. He looked upon it as a fair, masterly, and comprehensive scheme, calculated to satisfy a great national want, and to solve a question which had long and urgently demanded solution. He did not ignore the religious difficulty, raised by the other side, but he considered the irreligious difficulty to be much greater. The hon. Member for Merthyr Tydvil (Mr. Richard) was justified in claiming the rights of conscience as against denominational education for his fellow-countrymen, and he had mentioned some instances of interference with those rights which had no doubt met with condemnation from both sides of the House. But he (Mr. Birley) also claimed the rights of conscience for his fellow-countrymen, who objected to secular education for their children. In the same way when the hon. Member for Nottingham (Mr. Herbert), speaking in the name of the working men, objected to sectarian schools; he (Mr. Birley) claimed an equal right to speak for them, based upon long experience of their ways; and he knew how willingly they sent their children to denominational schools, and how little demand there was from them for secular or undenominational schools. He firmly believed that the difficulties of the situation were overrated, and that if they all co-operated to carry this great measure through Parliament, and used their influence in their respective parishes to promote unity instead of strife they would find many of the apparent difficulties remarkably easy of solution, and the application of the measure would cause little disturbance. A Report had recently been issued as to the school accommodation and the quality of the education in Liverpool, Manchester, Leeds, and Birmingham. He did not impugn the facts given by the Commissioner who prepared the Report; but he thought his inferences should, in many respects, have been very different, especially as to the quality of education. The only figures that could be relied on were those relating to estimates of population, and of the number of children up to a certain age on the rolls of the schools. It appeared that out of 66,000 children of from five to thirteen years of age in Manchester, 40,000 were on the school books, without reference to schools of middle classes, requiring payment of more than 1*s*. per week. The Commissioner's estimate was that at least 12,000 more should be at school. He calculated that each child who attended was at school for eight years, but that was much above the average, and therefore it was unfair to suppose that the 12,000 had no education at all. As regarded the quality of education, the Commissioner classified about 1,750 "unfit" out of 40,000, as educated in schools; and, probably, there might be added to the number a great many which were only nominally fit, and gave no efficient education. But he had seen one of the schools described by the Commissioner as unfit. It was intended for girls from five to eight years of age of the class just above pauperism, and though the education in some branches was imperfect, the reading was very good, and the mistress was retained by the managers because she maintained excellent discipline and gave the children a moral training. The Commissioner commented on the small number of children who passed the 3rd standard; but it must be remembered that he referred to the ordinary examinations. What school would not show a low standard in an examination of all the scholars? A gentleman who knew something of the subject had told him that many Eton boys would not pass the 3rd standard in writing, and he believed that to be true. He supposed that if the religious difficulty was solved by getting rid of the religious element altogether, it was not intended to stop short at primary schools, but that such an excellent principle would be extended to our grammar schools, our public schools, and the Universities themselves. [*Cheers.*] He thought so. What would the late Dr. Arnold have said if he had been told that religion was to be compulsorily dissevered from education? He believed that those who had imbibed some of the high spirit and finer qualities of Dr. Arnold, felt, as did many schoolmasters in the humbler schools, that they could not satisfactorily educate young children unless they might train them to a sense of religion as well as ground them in the rudiments of education. Were they to bring the street Arabs into their schools, and not teach them the Ten Commandments, because they were to be found in the Church Catechism? Were they to proscribe all those lessons of morality which were to be learned from the Bible? He could perceive that the admission of the Scriptures into the schools was only assented to by hon. Members on the other side of the House as a concession to the weakness of some of their party, or as a temporary expedient. He hoped that the Government, having regard not only to what was for the highest interests of the people, but to the dearest wish of the mass of the population of this country, would adhere substantially to their Bill as regarded the religious clauses.

Mr. FAWCETT said, that he and those who intended to support the Amendment of the hon. Member for Birmingham (Mr. Dixon) had been charged with want of frankness and candour. He wished to clear himself from such a charge. He unhesitatingly declared that after considering this Bill in all its aspects, and after hearing the vague and unsatisfactory statements from the Treasury Bench, he intended to give a cordial vote in favour of the Motion of his hon. Friend, whatever might be the effect of pressing that Motion to a division. He said this in no narrow sectarian spirit, nor as a member of the League, from whose programme he had on some points from the first dissented; but because he believed the Amendment embodied a just principle, and pointed out a grave and fundamental defect running through almost every clause of the Bill. With the exception of the provisions for securing adequate school accommodation, the Bill was based upon a fatal mistake—permissive legislation, The Vice President of the Council said Radicals ought to support him in handing over questions which should be decided in that House to local authorities. If that was Radicalism, the sooner they changed their name the better. At any rate, the Bill of the Government was Radical enough. There was reason to hope that a Government unprecedentedly strong would not have asked them to abrogate their functions as Members of Parliament, and would not have adopted the policy of permissive laws, which was generally the expedient of those who desired to shirk the responsibility of deciding great issues. Examples were not wanting of the results of permissive legislation. Had the House forgotten the fearful disclosures made some five years ago by the Children's Employment Commission? As hon. Members read those disclosures all the customary pæans about the increase of our exports and imports appeared like a sad satire, for it was made manifest that no inconsiderable portion of the increased trade of the country was built upon the wrecked bodies and ruined minds of tender children. It was seen how year by year tens of thousands of children had been slain, and hundreds of thousands ruined in body and mind by premature employment. Those disclosures made for a time a great impression on this House, and the Conservative Government, then in Office, dealt with the subject—and he thanked them for it—in a way which they deemed complete and comprehensive. The noble Lord the Member for North Leicestershire (Lord John Manners) introduced two measures—the Hours of Labour Regulation Bill and the Workshops Regulation Bill—from which great results were anticipated. Those measures were in some respects admirably conceived, and if the intentions of the Legislature had been carried a social revolution would have been brought about which would have saved hundreds of thousands of children from ruin and disaster. But in those measures there was the same fatal blot which disfigured this Education Bill. Local authorities were left to carry out their provisions, and, consequently, according to the admission made by the Government this Session, they turned out complete failures, and were useful only as as a warning against the fatal policy of permissive legislation. If hon. Members desired to ascertain what would be the effect of adopting a permissive policy in regard to education, he would ask them to consider what would have been the result if the permissive University Tests Abolition Bill had been passed last Session. Why, the almost unanimous opinion at Cambridge and Oxford now, both among Conservatives and Liberals, was that it would have been a great mistake—that it would have unsettled everything and settled nothing; and could a more happy result be expected if grave educational difficulties, which for years past have baffled the statesmanship of the House of Commons, were left to be settled by the nominees of Town Councils and country Vestries? In his opening speech the Vice President of the Council had admitted that there was no country where the state of education was satisfactory in which general compulsion did not exist; but he gave effect to his conviction by saying that compulsion might be exercised where there happened to be school Boards, and where it might also happen that those school Boards wished to exercise the power vested in them. If the Members of the Government did not misrepresent the Liberal party, in the country, they must be in favour of undenominational education; and yet they proposed to send down permissive sectarianism to every town and every country parish. The Vice President of the Council had spoken very strongly in favour of the principle of direct compulsion, and his eloquent and vigorous remarks on that subject were only equalled by those he made against gratuitous education. Strangely enough, what the right hon. Gentleman liked and what he disliked were by the present Bill placed in very analogous positions. The right hon. Gentleman approved direct compulsion, but gave the local authorities the option of not exercising it; he disapproved gratuitous education, but gave the local authorities an opportunity of establishing free schools. It would not be difficult to show that this permissive compulsion would be nugatory, and that these permissive free schools would be pauper institutions. He had never been in favour of free education, believing that it would dangerously weaken parental authority, and in this respect he differed from many of his Friends; but a system of general gratuitous instruction would, at any rate, have the effect of bringing the children of the poor and of those who were not so poor into one common school, and would thus tend to bring classes more together. But he was at a loss to conceive what argument could be urged in favour of the proposed permissive free schools, in which no one would be found but pauper children. Looking at all the permissive clauses in the Bill, it might be fairly inferred that, instead of emanating from a powerful Liberal Government, it was brought forward by a Goverment which was compelled to beg indulgence from their opponents, and which was hoisting signals of distress for Tory support. The earnest friends of national education desired to see England become as well educated as Prussia and Saxony, and would not rest satisfied with simply bringing schools within the reach of every child in the kingdom. They would not be content until national education had been secured by guaranteeing elementary education to every child. Reverting to the Amendment of his hon. Friend, he believed that the House would be of opinion that there was nothing to which it would be so unfortunate to apply the principle of permissive legislation as the religious difficulty. The Vice President of the Council had assumed that he had solved that difficulty, but, in point of fact, the Bill merely ignored it, and handed it over to every town and country parish, where it would become a perennial source of religious strife and sectarian rancour, and would create discord where there ought to be a glorious union of effort for the education of the nation. With regard to existing schools, the new principle was laid down that rates could be levied for aiding denominational schools. Now, it was no justification of this proposal to say that denominational schools were already assisted out of public funds raised out of the general taxation of the country; for sanctioning an old injustice was a very different thing from establishing a new one. No one, of course, would be unjust enough to argue in favour of doing away immediately, or at any time, with the existing schools, or of withholding from them the Privy Council grants. The faith of the country was to a certain degree pledged to continue those grants, but if we were about to start *de novo*, could it be supposed that any Government, and especially a Liberal Government, would be able to obtain the consent of the House to devoting any part of the taxation of the country for the purpose of promoting denominational education? That system had grown up at a time when many things were flourishing which would not now be tolerated—when church rates were upheld in that House by an overwhelming majority, and when the Irish Church had at least one eloquent and zealous defender among those who now occupied the Treasury Bench, and its disestablishment was looked upon as a dream of enthusiasts. Unfortunate, however, as were the provisions as to the existing schools, they were better than those relating to the new schools. The Vice President of the Council seemed to think that the rights of the minority might be protected by a Conscience Clause, but the opinion was rapidly gaining ground that such a clause must at best be a flimsy and worthless protection. Then it was impossible to conceive a Conscience Clause more awkwardly devised than that provided by the Bill. It required that every rural labourer who wished to take advantage of the clause must make a request in writing to that effect. Now there was not on the face of the earth a more dependent creature than the agricultural labourer; he knew, from past experience, that it was probably a dangerous thing to do anything in opposition to the wishes of one who was superior in position to himself. He lived in a cottage from which he might be turned out at a week's notice, and in all probability did not possess a shilling to enable him to emigrate to another locality. The chances were ten to one that he could not write, and yet he was to be asked to send in a protest in writing against a form of religious instruction supported by his superiors. The whole traditions of country life led the labourer to believe that to go to church was a virtue and to stop away from it an offence. Many hon. Gentlemen were aware how coal and bread and money were given away to those who attended church. Again, there was no time fixed when the religious instruction should be given, and by giving it in the middle of school hours the school might be rendered almost worthless to parents who had conscientious objections against religious instruction. He would pass over the religious difficulty as rapidly as possible; but nothing less, he ventured to think, would satisfy the Liberal party than the absolute separation of religious from secular teaching. They knew, and the Government would know, that a stronger feeling was every day growing up in favour of the logical solution of the question—that the ministers of religion should chiefly give dogmatic teaching, and that the schoolmaster who was supported out of the public funds should confine his attention as far as possible to the inculcation of secular knowledge. Before he passed from that subject he wished to notice one great danger in the present Bill. The Conservative party, as the name implied, were bound to support the existing institutions of the country. Was there any institution, he would ask, which they were more bound to support than the national system of education in Ireland? Now, if the Bill under discussion were to pass in its present form, it would undoubtedly destroy what remained of undenominationalism in the Irish national system. The principle of the Bill was to leave it to the local authorities to decide what the religious instruction given should be, and if that principle were adopted in England, could it with any consistency be refused to Ireland? If it were extended to Ireland, the religious teaching of the Irish people would, in too many instances, be placed in the hands of the Ultramontane priesthood. The Vice President of the Council had stated that the Irish system was not purely undenominational; but was not that the better reason to preserve what remained of the undenominational system? If it was denominational, how could they account for the repeated attacks made upon it in Ireland? Had the House forgotten the manifesto which had been issued by Cardinal Cullen last August? That right rev. Prelate, descending from his exalted position, and feeling that the national system of education was antagonistic to priestly influence, had made use of all the weapons of bitter invective against it. He compared the Model Schools to lions' dens, and declared that he would refuse the sacraments of their Church to parents who should persist in sending their children to those schools, asking how they could expect to receive the sacraments if they allowed their children thus to be offered up to Moloch. He actually went on to brand the Protestant children who attended the schools by a gross epithet, he called them "Swaddlers"—an offensive word which was, he believed, generally employed only by the lowest of the low. He was afraid the House would not find very resolute defenders of the Irish national system of education on the Treasury Bench. Had hon. Members forgotten what had occurred during the last few years? He, for one, should never forget the attempt which was made by granting a supplemental charter to the Queen's University to destroy united education in the Colleges of Ireland. That was done when the right hon. Gentleman at the head of the Government was Leader of the House, and while the Chief Secretary for Ireland occupied the same position as at present. How had the proposal been met? It had been described as "a mischievous interference with the work of a great statesman." Those were the words of a great master of adjectives, the present Chancellor of the Exchequer. Again, he would ask, had the House forgotten what occurred at the end of last Session, how the liberal proposal of the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball) to establish united education within the walls of Trinity College, had been met from the Treasury Bench by the Chief Secretary for Ireland? It might be said that in making those remarks he was unfurling the flag of Protestant intolerance. But neither he nor those who acted with him had any such intention. They would do all in their power to remove all disabilities from their Roman Catholic fellow-countrymen, as well as from others, so that no man in the kingdom should, in consequence of his religious opinions, be placed under any social or educational disadvantage. They had striven and would continue to strive to admit Catholics to the full enjoyment of educational equality, though their efforts hitherto had been baffled. If last Session they had met with more encouragement from the Treasury Bench, a measure effecting this object—the University Tests Bill—would have been passed. This year, also, there was a hesitancy displayed by the Government which he could not explain, but the only result of which would be to postpone for another year a great act of justice to the people. But to pass from the religious difficulty, he must briefly allude to what seemed to him to be the most unsatisfactory and extraordinary provision in the Bill—he meant the clause relating to permissive compulsion. He could understand the arguments of those who opposed all direct compulsion; who maintained that the country was not yet prepared for it, and that it would impose too great a hardship on parents. In saying this they were in all probability not aware how strongly those who would be most affected by it were in favour of compulsion, and showed moreover that they did not keep their eyes open to what was passing around them, for, in towns like Manchester and Liverpool, as well as in smaller towns throughout the country, large meetings composed of the working classes had declared themselves to be in favour of compulsory education. But, be that as it might, he could not understand the middle position which the Government had taken up. On what logical basis did it rest? If the Vice President of the Council was of opinion that we could not have a satisfactory system of education without compulsion, why not apply it to the whole country? Why not ask Parliament to express its feeling on the subject? Why allow that most important principle of State policy to be carried out by the nominees of Town Councils and country Vestries? Nobody could conceal from himself that to interfere between parent and child was an assumption of grave responsibility; nothing could justify it but the doctrine that if the child was permitted to grow up in ignorance an irreparable wrong was done to him against which he had no power to protect himself, and that being thus helpless he was entitled to look to the State as his natural protector. But if that doctrine were accepted for one place it ought to be accepted for the whole country. If the child in Manchester could claim State protection, had not the child in Liverpool or in a Yorkshire village an equal claim? What would be our feelings twenty years hence if we observed wide-spread ignorance, with its attendant pauperism and crime, existing because we left Town Councils and Vestries to carry out a work which ought to have been prescribed for them by Parliament? If it was necessary to discover a conclusive argument against the principle of permissive compulsion, the House would not have to look beyond the speech of the right hon. Gentleman the Vice President of the Council himself. Never was he more eloquent or forcible than when he was pointing out the anomaly of the present system, which enforced school attendance only upon children who were at work. Permissive compulsion would not destroy this anomaly; it would only aggravate it. Again, let them consider how this permissive compulsion bore upon the financial part of the Bill. The measure entailed upon the community the responsibility of providing an adequate and sufficient number of schools. But how was the calculation as to the sufficiency of the schools to be made, unless there was to be general and direct compulsion? Where compulsion existed there would be 30 or 40 per cent more children in attendance at the schools than there would be if there were no compulsion. When, therefore, the schools were built, and direct compulsion was not brought into operation, there would probably be accommodation to the extent of 30 or 40 per cent more than was needed, so that the rates would be expended on that which was not required. But a still stronger financial argument could be urged against this permissive compulsion. No one could deny that in the present state of commercial depression the slightest increase in the rates was a serious thing, and no such increase ought to be sanctioned unless it was absolutely certain to insure a future diminution of rates. Now, if the ratepayers could be told—"The schools will educate neglected children who are now running by thousands to ruin in your streets, and the temporary increase in your rates will bring with it a reduction of crime and pauperism, and, ultimately, therefore, a reduction of rates," there would be no legitimate ground for opposing the school rate. But unless the attendance at school were made compulsory, there would be no security that schools would be attended by neglected children, or would not be used by those whose parents could well afford to pay for their education. Upon this question Parliament was bound to express a decided opinion. In providing schools Parliament was only dealing with one part of the educational difficulty. If there were ten times the present number of schools, we had no guarantee that the state of education would be satisfactory. There were towns and districts in which the existing schools were only half attended. In Leeds, for instance, there was accommodation for 20,000 children, whilst the average attendance was only 12,000. And he believed that the chief reason why so much ignorance prevailed in the country districts was not so much because of a deficiency of schools as because there was now no power to compel the attendance of children. The Mines Regulation Bill forbad the employment of children till they were twelve years old; but unless education was compulsory, nothing would be done to insure the instruction of these children. The truth was we could not legislate on the question satisfactorily in a piecemeal way, and it would be far better to defer legislation to another Session, when Parliament could pass an Elementary Education Bill for Scotland and Ireland as well as for England, and could also regulate the employment and education of children in various branches of industry, and consolidate the Factories Acts, the Workshops Act, and the Printworks Regulation Bill. It had been said that the supporters of the Amendment were not behaving generously to the Vice President of the Council. But the old adage was—"Be just before you are generous!" While they respected the right hon. Gentleman as much as any man in the House, they were pursuing this course because they believed the Bill would not lead to a complete and satisfactory settlement of the question, and the right hon. Gentleman was manly enough to see that, entertaining this opinion, they would not be acting in accordance with their duty in pursuing a different course. One of the consequences of discussing matters like these in Committee instead of on the second reading was, that there was not time for the public out-of-doors to inform themselves of what was going on until it was too late for them to make any effective representations. They were asked to read this Bill a second time as a matter of form. Those who opposed it were told that they were adopting a pitiable course, and the Chancellor of the Exchequer compared them to a herd of cattle, which had been turned out to grass on a fine pasture, and which did nothing but fight over a bed of nettles. Perhaps the right hon. Gentleman would allow him to reciprocate the compliment and extend the comparison. Night after night they had seen Members of the Government enthusiastically cheered by hon. Members opposite, while at the same time they were alienating some of their warmest supporters; and they could not help thinking of another herd they had read about which was seized with an unwonted infatuation, and which rushed violently down a steep place into the sea and perished in the waters. The other day the hon. Member for North Warwickshire (Mr. Newdegate), with the courage which distinguished him, objected to read a second time, as a matter of form, a Bill to the principle of which he strongly objected. It seemed to him (Mr. Fawcett) that it was impossible for the Government to serve two masters on this subject; what pleased hon. Members opposite must displease their own supporters. Hon. Members opposite were in favour of permissive sectarianism, and many of them were opposed to direct compulsion. The supporters of the Amendment were told—"Let us go into Committee, and you can alter, transform, and revolutionize the Bill as much as you like." But had a Bill no principle? If the Bill were fundamentally changed in Committee a tortuous course would have been pursued, and the support of the hon. Members opposite would have been secured by holding out to them false expectations. We — said the hon. Member— oppose this Bill, and they support it for like reasons; they support it because it embodies the principle of permissive sectarianism, and that is the reason why we oppose it; they support it because it does not embody the principle of general direct compulsion, and that is one of the reasons why we oppose it. If the Prime Minister will alter the Bill in the direction in which we desire, it is impossible for him any longer to obtain the enthusiastic cheers from the other side with which every speaker from the Treasury Bench has been received. Do not accuse us of wishing to pursue a policy of delay. We are as anxious as any people can be to see this question settled. We know the price of delay; and, heavy as may be the price of a year's delay, it is far better to pay that price than to have the question dealt with on an incomplete and unsatisfactory basis. In conclusion, he expressed a hope that the Government would have the courage to show that they were worthy of their reputation, and would not, on the greatest of all questions, adopt a policy of permissive legislation.

Mr. COWPER-TEMPLE said, the Amendment implied that religious instruction was a matter that ought not to be left to the discretion of local Boards. That meant either that local Boards were not fit to exercise such discretion, or that the matter was one in which it ought not to be left to the majority to overrule a minority, or that religious instruction was so unimportant that it was not worth consideration. He was not prepared to overrate the fitness of local Boards; but it must be remembered that it was proposed to assign to them the important duties of endeavouring to provide good schools and of securing a good attendance at them, objects which were not attained by the managers of existing schools. If the local Boards would discharge these duties, surely they could ascertain the wishes of localities as to the character of the religious instruction to be given; for, on this matter, they wished to enable each district to get that which it wanted. One district would want a Church of England School, another would want one conducted on the plan of the British and Foreign School Society, a third a merely secular school. This choice was the affair of the parents who sent their children to school, and of the ratepayers who found the money. As it was impossible that the religious instruction given in a school could be equally satisfactory to all persons, we were landed by the logic of the hon. Member for Oxford (Mr. Vernon Harcourt), into the adoption of a secular system; but if the House were to agree to a secular system and were to impose it upon the parishes in the country in which schools are now established, they would excite feelings of indignation, and would be told that this was a specimen of that democratic despotism which was coming into fashion. Holding to the doctrine of democratic freedom, he believed that if ever there was a matter on which the inhabitants of a district might be left to decide for themselves it was that of the character of the teaching which should be given in their schools. As to tyrant majorities he knew many Nonconformists, and did not think they were the sort of people who would consent to be trampled upon. He was quite sure that they would obtain that influence to which their earnestness and energy entitled them. It must be remembered that the principle of the church rate law was contrary to the principle of this Bill, for a vestry was never told it might choose the religious teaching it paid for; if it had been at liberty to do so there might have been no anti-church rate agitation. The supporters of the Amendment said they did not object to religious teaching except in the school; but where was such teaching to be obtained by children who were to be compelled to go to school? They could not be compelled to attend a Sunday school. Besides, one of the chief duties of a teacher was to instil good motives, to form a child's character, and to treat it as a responsible being. They ought not to allow their arrangements to be made so as to shut out religious teaching from the great work of education. The national systems of education in Prussia, Holland, and Scotland had owed their origin to religious feeling. He thought that the Conscience Clause, or whatever arrangement was made for the protection of the rights of conscience, ought to be easily available to all; and an improvement might be made in the Bill by inserting a provision requiring the distinctive religious instruction to be given at the beginning or end of the lessons, so that the parents would thereby have every opportunity to withdraw their children from the religious instruction if they thought proper. The limitations to be put on the local Boards should not only be negative, but also positive. The State in this matter of education ought to be unsectarian, but it must be Christian. It had been ruled by high authority that Christianity was part and parcel of the law of the land; and before a witness could give evidence he must take an oath; and when a child was put into the witness-box it was the duty of the Judge to ascertain whether that child had been taught religious truth so as to be aware of the sin of telling a falsehood. The State ought to take care that in the non-denominational schools established under the Bill some religious instruction be given. The Bible should be read and explained, and the Ten Commandments and the Lord's Prayer should be taught. To allow the Bible to be read without explanation would be unfair and cruel to the children.

SIR CHARLES W. DILKE said, he desired to refer to some statements made in the course of the debate, and to state the position in which he and some hon. Members near him felt themselves. He would, first of all, allude to what fell from the hon. Member for North Staffordshire (Sir Charles Adderley), who stated that in Birmingham, the head-quarters of the education movement, the existing machinery was not fully utilized, and that a great Industrial School was partly empty. The fact was, as he had been informed, that that school was a strictly denominational one—a Church school. It was largely in debt, and some Dissenters who had been placed on the Board of the school last year resigned because they could get no change of one of the rules requiring the master, matron, and all the officials of the school to be members of the Church of England. It had been stated by the hon. Member for Sheffield (Mr. Mundella) that in a certain large school containing 1,500 children, only four availed themselves of the Conscience Clause. That statement was loudly cheered by hon. Gentlemen opposite; but the fact was, that the school was strictly an unsectarian school. The Vice President of the Council had also said that certain eminent Nonconformists in Birmingham had no difficulty on the religious point, and did not shrink from sending their sons to a Church school—namely, King Edward's School. That school, however though by foundation a Church school, was, practically, an undenominational school. He wished to remark, too, that men might be tempted to send their children to any school if they could obtain for them there the advantage of an excellent education free; and he knew at his own College in Cambridge that a man who was a Roman Catholic officiated as chapel clerk and read the responses in the Church service, because by so doing he obtained a free education of the highest order. The hon. Member for Sheffield had spoken of the love of the Bible as being implanted in the minds and hearts of Englishmen, and as being the foundation of our poetry and philosophy. If that meant anything it meant that it should be read in all schools as it was in Prussia. It was said that as morality was based on religion, therefore religion must be taught in the schools. But what religion was it based upon? Was one religion to be picked out and made supreme, or were all religions to be taught? The strongest argument against the Amendment was that urged by the hon. Member for Richmond (Sir Roundell Palmer), who said that the opinion of the country was pronounced in favour of denominationalism, because all the schools were denominational; and the supporters of the Amendment were afraid to leave the religious difficulty to the localities. But the fact was that at the present time the law put its ban on the secular schools. He should not be afraid to leave the question to local decision in towns; but he would not do so in country districts where Nonconformists were in a minority. Recently in a villag on the borders of Surrey and Sussex, he saw a notice in the window of the shop kept by the parish clerk. That notice, which was signed by the incumbent of the parish, stated—"Those parents who object to religious instruction being excluded from the parish school will please sign the Petition in the shop." A similar Petition was taken round to parents, and he maintained that those who signed it were not free agents. Coming to the consideration of the Amendment, he protested against the struggle which the Bill would cause in every parish. The Vice President himself admitted that a struggle would occur, and if it were the election of a teacher which provoked one, what would become of the Conscience Clause? As to teaching the Bible in schools, he thought that if the right hon. Gentleman had his way it would happen that the majority of the people would have the power to exclude the Bible from schools. He concurred in the protest which had been made against the permissive character of the Bill. Those who supported the Amendment had been asked by the great bulk of their supporters not to disregard the secular system, and not to allow the Bill to be read a second time without entering their protest against the principle which it contained. He could not omit to mention that the present Bishop of Manchester, in his Report on the condition of the Schools of the United States, had expressed an opinion highly favourable to the secular system, and said that he should despair neither of Christianity nor of morality under a system in which religious truth would not be compromised, trimmed, or pared down, but left to be dealt with by every religious teacher on his own principles and at his own time. Had the measure proposed to secure the education of every child by direct compulsion those who supported the Amendment would have paused before they voted against it; but as it was only a tentative measure they felt bound not to give way. They did not ask for a mere permissive compulsion, but they required a direct compulsion of attendance at school, and on that point they could not compromise their principles. He would appeal to the Vice President of the Council, or to the right hon. Gentleman at the head of the Government, not to deal in generalities, but to give them some direct assurance that they would not persist in this measure as it stood, as it was his wish not to be obliged to vote against the second reading of the Bill. They all wished for a plain answer, which the whole of the country would understand, and he trusted that that would be given by the Government to-night.

MR. GLADSTONE: Sir, it will not, I hope, be necessary for me to detain the House long at this late hour of the evening, but I must begin by making admissions to my hon. Friend the Member for Birmingham (Mr. Dixon). I freely grant that the Motion he has made has had the effect of producing a most animated and interesting debate, and, I think, of pretty nearly exhausting all that is to be said on that very important part, as I do not at all deny it to be, of this question, which goes popularly by the name of "the religious difficulty." Nor, although the scope of the Amendment naturally tended to narrow the discussion, is he chargeable with having prevented our hearing some most interesting and valuable arguments on the general subject of the Bill, among which I cannot fail to name as pre-eminent the admirable speech delivered to-night by my hon. Friend the Member for Sheffield (Mr. Mundella). Making these admissions to my hon. Friend, I must also say, that if, unhappily, he should be disposed to carry his Motion to a division, I should not look with any immediate apprehension to the result. But, Sir, I hope that, from other motives far higher than the mere fear of standing in a small minority, he will not find it necessary to take that step, or to exhibit to the country without need a division among persons sitting in this Assembly the general tendency of whose minds presents at present so much of absolute concurrence and so much more of a desire to concur. My hon. Friend, I think, will find that there are ample reasons why he should pursue that course; but there is one prominent difficulty placed in our way which has been made to take the shape of a charge against Her Majesty's Government, and upon which I must venture to say a few words. Prejudice has been attempted to be excited against this Bill, because it has found considerable favour with Gentlemen sitting on the opposite side of the House, and the disposition to raise that prejudice reached its climax in the speech of my hon. Friend the Member for Brighton (Mr. Fawcett), when, rising to the sublimest heights of dogma, he laid down the principle—

"Whatever pleases you must displease us." Now, Sir, I must say that, putting quite out of the view the fact that the support we are receiving, if we are, as I hope we are, receiving support from any Gentlemen opposite, is not a party support, it is undoubted and certain that a large number of those who sit on the opposite side of the House are evidently favourable to the main provisions of the Bill. I should hope it will be taken as no sign of disloyalty to the party whose confidence it is my first desire to enjoy, if I say that we push matters to an extreme not in conformity with the principles of a free country if we advance to anything near the position occupied by my hon. Friend the Member for Brighton. It is really like reviving the dictum—the happily-forgotten dictum—of Mr. Fox. When Mr. Pitt proposed to make a commercial treaty with France, Mr. Fox unfortunately said it was monstrous to propose a commercial treaty with that country, because the French ought to be regarded as our natural enemies. Sir, we surely do not think it necessary in order to be orthodox, in the old sense—and I know my hon. Friend the Member for Brighton is one of those who sets the highest value on orthodoxy—that we should regard hon. Gentlemen opposite as our natural enemies. We need not adopt that terrible sentiment of the Carthaginian Queen—

"——nullus amor populis, nec fœdera sunto,
Exoriare aliquis nostris ex ossibus ultor,
Qui face Dardanios ferroque sequare colonos.
Nunc, olim, quocunque dabunt se tempore vires,
Litora litoribus contraria, fluctibus undas
Imprecor, arma armis; pugnent ipsique nepotes."

We are here, no doubt, for the purpose of arguing manfully and stoutly our own particular principles; but if, without compromising those principles, we find occasions arise when, whatever the circumstances, we are in harmony with Gentlemen who sit on the opposite side of the House, and there is an approximation to oneness of mind, that I think is no subject for regret, but a matter for satisfaction. And, Sir, what is the kind of support—the conscientious and reasonable support—that my right hon. Friend near me—whose character I had hoped, and I do hope and believe, will be no small security against the imputation of any unworthy trafficking with anyone—what is the kind of support undisguisedly and freely given him by hon. Gentlemen opposite? Do they, as one or two hon. Gentlemen seem to think, rush with open arms to seize this Bill, and declare that in it they have the fulfilment of all their cherished opinions and fondest anticipations? On the contrary, acting like men—I speak of those whom I have heard—acting like men of prudence and sense, they have said that this is a grave and practical issue; that the weightiest national interests are involved in it; and that it is their duty to sacrifice much—and much they are prepared to sacrifice of that which they cherish for the sake, if possible, of arriving at a direct concurrence on this question. It would be a most unworthy return for sentiments of this kind if, from any idle prejudice or fear of appearances presented to the country, we were to pass by one of those golden opportunities—rare enough, Heaven knows, in the exigencies of political life—and from idle and cowardly apprehensions like those, we were to lose the power which may be, and seems to be, in our hands of conferring a great blessing on the country. Now, Sir, with regard to the Amendment. I would appeal to my hon. Friend, and I would beg him to withdraw it on other grounds, because I cannot help saying, setting a great value as I do on the established modes and rules of procedure in this House, that I am quite sure he will find that to push an Amendment of this kind to a division on the second reading, accompanying that proposition, as he does quite sincerely, with strong expressions of the value which in the main he sets on the Bill, would really be a proceeding wholly and absolutely without precedent. There are plenty of precedents, no doubt, for Motions offered upon the second reading of a Bill as substitutes for that second reading. Sometimes they are substantive plans, positively proposed and offered to be set in place of the Bill of which the second reading is asked. That is a perfectly allowable mode of opposition. Sometimes they are Motions of a more entangling character, avowedly intended to create difficulties in the way of the Bill, and to impede its progress. But almost uniformly down to the present day, the acceptance of those Motions has been that they are hostile Motions, and never made in conjunction with a friendship for the general substance of the measure to which they relate. I hope my hon. Friend, among other things, will not allow it to be said of him that he set the first example of a method of proceeding which if pursued generally in this House by persons who attach a great value to the measure proposed, but who set a still greater value on some sentiment they happen to entertain with regard to a particular and comparatively narrow portion of that measure, would lead to great inconvenience. I was surprised to hear it from the mouth of my hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt) that he was prepared to hold by this Amendment now moved as a declaration of principle. Certainly, the description he gave of it made it a declaration of principle. His description of it was two-fold. He said it contained these two declarations—first, that the question of religious instruction is to be dealt with by Parliament; and, secondly, that it is to be dealt with on the principle of religious equality. Having heard that description from the mouth of my hon. and learned Friend, I put on my spectacles—as is commonly said—and read the Amendment to see if I could discover anything of the kind, or any word which I had not seen before; but on the most rigid scrutiny that I could apply I found that the second and vital portion of his description was wholly wanting. There is no enunciation of principle whatever in the Amendment proposed by my hon. Friend, except that one which is simple negative—that the religious instruction shall not be decided by the local authorities. Do not let it be supposed, if there is to be a division—which I hope there will not be—that there is an assertion of religious liberty or religious equality in the terms of that Amendment which is refused by those who will vote against the Amendment and for the second reading of the Bill. I will venture to say, for the sake of argument—do not let it be supposed that I impute anything to my hon. Friend or to any of those who think with him—that a person might, with perfect consistency, support the Amendment and hold by it who thought that religious instruction ought to be provided by Parliament, and that such religious instruction ought to consist uniformly of the Catechism of the Church of England without a Conscience Clause. There is not the slightest indication in the terms of the Amendment of a declaration such as that referred to by my hon. and learned Friend. Well, Sir, much blame has been bestowed on the Bill and on my right hon. Friend near me for having produced a measure which is tainted with the fatal blot of what is called permissive legislation. He is charged with having offered some criticism on the question of permissive legislation, in connection with what was called the Permissive Liquor Bill of last year, and with having then laid down the principle that it was the business of this House to make laws for the country, and not to leave local majorities to make laws to oppress the minorities. But look at the difference. In the Permissive Liquor Bill there was no Conscience Clause, and those who might happen to differ from the temperate majority would have had not only to learn the whole catechism of temperance, but also to put it in rigid practice. But in adopting the principle of permissive legislation with regard to this Bill, I lay down this proposition—we have no disposition to extend the application of the principle beyond what, on fair and reasonable discussion in Committee, should seem to be required by the circumstances of the case. But there is nothing unreasonable in the assertion of that principle, although there is something eminently unreasonable in the assertion of it on this occasion. And why? Because you choose to found, and I think wisely, your educational legislation in part upon the basis of local rating, and if you found it upon that, it is absolutely impossible to exclude altogether from your Bill some portion of discretion, which must be left to those who are to levy the rate. It is, after all, no very far-fetched or unnatural suggestion, that when provision is made by rates for the education of children, the parents who are ratepayers of parishes in which the rates are paid should have some such voice as we propose to give them in this matter. Sir, having spoken as I have done of the disposition evinced by hon. Gentlemen to accept the principle of rating, the principle of local Boards, and the principle of the Conscience Clause in any form—for I do believe that they are ready for any form of it which may be requisite for the purpose of securing its full effect—I cannot pass from the consideration of the speeches made in support of this Amendment, without tendering my thanks to those who have made them, not only for the great ability by which many of them were characterized, but for the extremely kind terms which the speakers were pleased to use respecting the Administration, and the disposition they have shown to give us credit for those motives of public spirit, which, I venture to assure the House, are the governing springs of our conduct in this matter. Now, for my own part, the objection that weighs most on my mind to the Amendment of my hon. Friend is this—The discussion of this Amendment, the fastening of our minds on this Amendment, and the perpetual passage of arms on the subject of the religious difficulty, tends—as was powerfully argued by my right hon. Friend the Chancellor of the Exchequer—to keep out of sight the great—I might almost say the enormous—provisions which are contained in this Bill with reference to the subject of education. Let us detach our minds for one moment from the religious difficulty, and let us ask ourselves whether any epithets except the largest and strongest are sufficient to describe the scope and purpose of a measure which contemplates universal education in a country which, even according to our present statistics, already presents a very large—I will not say an unmeasurable—void, along with the latent and too sure conviction that those statistics, although far from being dishonest, yet for practical purposes to a great extent are untrustworthy—and, in truth, we cannot fairly describe the popular education of this country by anything weaker than this, that down to the present moment—quantity and quality taken together—it remains miserably deficient. Well, the Government have endeavoured to construct a machinery, in entire good faith, that shall be equal to the gigantic task—as I may venture to call it—of bringing, within the course, perhaps, of two or three years, or a period extremely short, the means of popular education up to such a point as that they shall be able to grapple effectually with the entire necessities of the country. We have heard much of an undue disposition to favour the national Church, so called, as the hon. Gentleman the Member for Merthyr Tydvil (Mr. Richard) says, even in Wales, where undoubtedly its claim to that title might perhaps by fastidious critics be rather seriously contested. But it is worth observing, and worth observing in honour and credit to hon. Gentlemen opposite, much more than to my right hon. Friend and the Government, that we have now arrived at a point when it is rather hard to make a charge of an intentional or a general violation of the principles of religious equality against a measure which, attempting to legislate for education all over the country, and for education in a spirit of studied respect for religion, notwithstanding does not contain from one end of it to the other one single word which takes special notice anywhere of the Established Church of the country, or grants to that Church in any form any privilege whatever, except those that are conceded to every other body, great and small, of professors of religion, be it what it may. Well, Sir, there is another principle, and undoubtedly one of the gravest character, which I can even now hardly hope—though I do hope after all that we have seen—is accepted on the other side of the House—I mean the principle that compulsion must be applied in some effective manner to the promotion of education. I freely and frankly own that it was not without an effort that I myself accepted it. I deeply regret the necessity. I think it is a scandal and a shame to the country that in the midst of our, as we think, advanced civilization, and undoubtedly of our enormous wealth, we should at this time of day be obliged to entertain this principle of compulsion. Nevertheless, we have arrived deliberately at the conclusion that it must be entertained, and I do not hesitate to say that, being entertained, it ought to be entertained with every consideration, with the desire of avoiding haste and precipitancy, but in a manner that shall render it effectual; and the mode in which it shall be made effectual for its objects is undoubtedly one of those questions which it is not possible for us to consider satisfactorily except in Committee on the Bill. Then, again, there is that other principle—is education to be gratuitous? That, again, is a matter of vast importance. Even if that were the only provision in the Bill—if the group of provisions connected with that subject constituted the entire Bill—it still would deserve to be described as a Bill of immense importance. But with regard to the mode in which that question has been dealt with, although it has been most carefully considered—and I frankly own I am not, at the present moment, aware of how it is susceptible of any material improvement—yet here again we have a matter open to consideration, and which can only be satisfactorily considered by being watched in that careful, and I might almost say, microscopic manner which the House adopts when it has a great measure of legislation to scrutinize, and I may say, ransack, in a Committee of the Whole House. In speaking thus of the flexibility and elasticity of the provisions of a Bill such as we have introduced, I must entirely decline to adopt the description which was given by my hon. Friend the Member for Brighton, as if it had been a quotation from the speeches of the Members of the Government —because, as I think, it is one that is quite inaccurate and not warranted by the contents of those speeches. My hon. Friend said—I know not whether he was speaking with a view to hon. Gentlemen opposite—and I may observe that if it is very wrong to accept the votes of hon. Gentlemen opposite, it cannot be very right to speak with a view to their cheers—he said—" You are told from the Treasury Bench 'Go into Committee and you may alter, you may transform, you may revolutionize, you may do what you please with the Bill.' " But who ever heard from my right hon. Friends the Chancellor of the Exchequer and the Vice President of the Council any such words? What I venture to say is this, that while, in my opinion, the provisions of such a Bill must necessarily be subject in detail to the most careful examination and to manipulation following on that scrutiny, its principles are perfectly fixed—the bases of the Bill are perfectly fixed, and, in my opinion, they are bases entirely beyond question, I may almost say by any party in the House. This Bill will, I hope, do nothing in disparagement of religion; but whatever be the particular provision adopted, it will be adopted in the *bond fide* hope and intention that it may be conducive to the most effectual propagation of religion by means whether more or less direct. We all, I think, entertain a strong conviction that it is desirable to keep the Government of the country free from the animosities that are engendered by religious disputes and controversy; and, on the other hand, I apprehend we are all firmly united in the determination to do everything that may be required, even by a scrupulous delicacy, for the purpose of affording effectual protection to conscience. When we deviate from those principles, if we deviate in the Bill, let us be brought back to them, and let us take them as our guide and light in the whole discussion on the details. Then my hon. Friend the Member for Birmingham, and various Gentlemen who have spoken to-night in the sense of the Amendment, have desired to know—and I do not find fault with them for it—whether, in our opinion, there can be any modifications of the Bill at all which, after this discussion, would appear to be in our minds desirable or necessary. As far as I can understand the Motion made by my hon. Friend, it has been made not so much in support of any view to the establishment of an extreme theory as with a view to the attainment of that object to which I have referred, and which we all admit to be essential—namely, the establishment of entire freedom of conscience under the provisions of this Bill. I can only say that there are suggestions which have been made during this debate which I own I think well deserving the favourable consideration of the House when we get into Committee. Do not let it be thought, when I refer to the Committee, that I make an unreasonable demand. I quite grant that, when two parties are pitted against each other in obstinate encounter to contest point by point the provisions of a measure, it is often idle for those who think, or apprehend they may be in a minority, to look to the Committee with hope either of re-construction or serious alteration of a Bill. But when, on the other hand, there is on the part of the House a general desire that the great purposes of legislation shall be attained, and along with this a knowledge that the subject-matter is necessarily difficult and complicated, and that the parts of it may be considered each in relation to the rest, then I venture to say it ought not only not to be regarded with suspicion, but is the only reasonable and practical way of going to work to contend in perfect good faith, and in reliance on the good faith of one another, for the purpose of settling a measure of adjustment by which the most satisfactory results may be attained. I think I have heard my hon. Friend the Member for Merthyr Tydvil refer to the condition of the people of Wales; and in some places there are apprehensions that the modes of election of the local Boards are not such as will give due scope to the action of popular, which, in this case, for the most part, would be parental feeling. But I will only say that the modes of election are matters most proper for the House to entertain, with a view that in a case like this the principle of property shall not too much dominate over the principle of personal representation, which has so direct a bearing on the subject of education. Well, then again, my hon. Friend the Member for Sheffield was in this matter, I was glad to find, in entire accord with the hon. Member for Brighton, and, as would appear from their cheers, with hon. Gentlemen opposite—my hon. Friend laid down the doctrine that, in order to adjust aright the religious part of the Bill, we ought to give up the machinery of the Conscience Clause, historically so called, and to substitute for it a complete separation in time, and in time alone, of the religious from what is called the secular instruction. Now, in drawing up the Conscience Clause I think my right hon. Friend near me and the Government proceeded with all possible care; but I cannot but admit that it appears to me, for many reasons, that great advantage will attend the adoption of such a change in the Bill, and substituting a clear and definite line, which will be intelligible to everybody, and practical and available for everybody, without putting them under the necessity of taking any step which may be difficult or invidious; for, looking back for the last thirty years, we cannot say that in our experience the Conscience Clause has been perfectly effectual, however well intended for the purpose. With regard to the minority, I will not at present assume what the ultimate decision of the House may be as to the precise degree of that permissive discretion to be accorded to local bodies in the matter of religious instruction. I think it cannot be altogether abrogated. But this I may venture to say, I cannot see any unreasonableness whatever in providing by the Bill, in the interests of the minority, that in cases in which religious instruction shall be given by the schoolmaster to those who represent the majority, we shall do this justice to the rights of the minority—that it shall be made compulsory on the local authorities to grant the use of the school buildings to the representatives of the other opinions, so that they may not be without the means of securing that instruction which the others may receive. I hope it will be understood that this arrangement is not reduced to the precise and absolute form which will be necessary in Committee; but it is given in good faith as to the spirit with which the Government desire to approach this Bill. We do not anticipate any serious effort to transform the Bill. If such effort were made, we should not be parties to it. But we freely admit that some alterations may be made, and that, from the nature of the case, much must be left to discretion upon a careful scrutiny in the course of our discussion, which I hope my hon. Friend will allow us to proceed with. I have endeavoured to indicate that which I hope may give some satisfaction to my hon. Friend. I have done this at the greater length for the purpose of showing that no advantage is to be taken of him by any majority that may vote against his Amendment for the purpose of shutting him up to the precise acceptance of the Bill as it stands when it gets into Committee. And I have only to say further that I feel it due to my right hon. Friend the Vice President of the Council on Education to state my conviction that in thus speaking I give expression to his sentiments as fully as those of any other Member of the Government. I own I was not able to understand the adverse criticisms which were bestowed on one portion of his able speech. It did not appear to me that his declarations were in any way open to those criticisms; but, be that as it may, I can venture to say that the sentiments I have expressed are his sentiments. We look for a general adoption of the principles of the Bill, founding our expectation on the favourable indications already given by the House. Of course it will be our duty, where there are so many provisions relating to a subject of such a novel and complicated character, to do our best with a view to such an adjustment of them in detail as may best conduce to the attainment of the general result we all have in view, and thereby to render effectual one of the greatest benefits and blessings that, perhaps, the Legislature has ever had the opportunity of bestowing upon the country.

Mr. GATHORNE HARDY: I am not going, Sir, to detain the House more than a moment; but as the right hon. Gentleman has hinted that there may be some alterations, especially as to the Conscience Clause, I can only say that I understand that the consideration of these matters will be entirely open to us. I say this, because I do not fully understand what he meant with respect to the time question. Is it that there is to be an entire re-adjustment of it—that it is proposed to give up the buildings to others to teach religious doctrines? However, I wish it to be understood that in supporting the Bill as it stands we do not at all pledge ourselves to the new version.

Mr. DIXON: Sir, as I understand the observations of the right hon. Gentleman at the head of the Government they are to be taken as an indication that the views expressed by my hon. Friend the Member for Sheffield (Mr. Mundella) will be received with favour by the Government in Committee. I do not know if his expressions went so far as to authorize the expectation that the religious clause of the Bill would be remodelled in that sense before we enter Committee. I hope that that may be the case; but after the expressions of the right hon. Gentleman, and with the idea that there is a favourable disposition on the part of the Government to consider the views of those who have been cooperating with me in this matter, I feel it to be my duty to withdraw the Amendment. I do not think it will be supposed that in proposing it I have been doing anything that can be considered hostile to the Government; and I desire to add that, in my opinion, the result of the debate has fully vindicated me in the course I have taken.

Question put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Friday* 1st April.

REAL ESTATE SUCCESSION BILL.

On Motion of Mr. Attorney General, Bill to amend the Law of Succession to Real Estate, *ordered* to be brought in by Mr. Attorney General, Mr. Chancellor of the Exchequer, and Mr. Solicitor General.

Bill *presented,* and read the first time. [Bill 81.]

METROPOLITAN BUILDINGS AND MANAGEMENT BILL.

On Motion of Sir William Tite, Bill to consolidate and amend the Buildings Acts relating to the Metropolis, the formation of Streets, and of Sewers and Drains in the Metropolis; and for other purposes relating thereto, *ordered* to be brought in by Sir William Tite and Mr. Bowring.

Bill *presented,* and read the first time. [Bill 80.]

House adjourned at One o'clock,
till Monday next.

HOUSE OF LORDS,

Monday, 21*st March,* 1870.

MINUTES.]—Public Bill—*First Reading*—Consolidated Fund (£9,564,191 7*s.* 2*d.*)*.

CONDUCT OF BUSINESS—PAROCHIAL SCHOOLS (SCOTLAND) BILL.

OBSERVATIONS.

Lord REDESDALE rose to call the attention of the House to an error in the Parochial Schools (Scotland) Bill, returned to that House from the Commons on the 9th of August last, as affording proof of the just objection entertained by this House to proceed with the consideration of the Commons' Amendments at so late a period of the Session. He desired to remind their Lordships of the interest he had always taken, and the exertions he had often made, to secure proper time for the consideration, by their Lordships, of the various measures sent up to them from the other House; and it was in consequence of the opposition he had made to the departure from that principle, that their Lordships had come to the determination of not proceeding with the consideration of the Amendments made by the other House in the Parochial Schools (Scotland) Bill last Session—that measure having been sent up to their Lordships after the Appropriation Act had been read a third time, and when they were within two days of the prorogation of Parliament. He had now had his attention called to a matter in that Bill, which showed the importance of attending strictly to this arrangement. The Parochial Schools (Scotland) Bill was sent down to the House of Commons at a comparatively early period of the Session, with a clause which provided retiring allowances to schoolmasters after a certain period of service, and it had also what was called a "red letter" provision, enabling the school committee to make an assessment to meet the demands for those retiring allowances. The provision proposed by their Lordships was that the school committee, in the case of a new national school, might grant a retiring allowance to the schoolmaster, not to be less than one-half of his salary. When the Bill went down to the other House it was read in due course a first and second time; it was then committed *pro formâ*, when, amongst other Amendments, the House of Commons inserted one to the effect of the provision which their Lordships had sent down to them in red letter, with the addition of these words—"If such teacher have served for more than ten years shall, and in any other case may grant," &c. The effect of the provision so amended was to give to the schoolmaster who had served ten years a compulsory retiring allowance, unless he had been dismissed for improper conduct. Well, those words passed through commitment and re-commitment—in fact, remained in the clause up to the very last stage. On the third reading the Bill was further amended in the House of Commons, but that clause was not touched; the Amendments then made in the Bill affected Clauses 15, 16, 21, 23, 28, and 65. In that state it was sent up to their Lordships' House at nearly the close of the Session for reconsideration. When the Bill was reprinted in their Lordships' House it was found that this particular clause was omitted. His attention was specially called to the omission affecting so materially the interests of the schoolmasters by those gentlemen themselves—it appearing that, as the Bill stood, no retiring allowances could be granted them. He submitted the matter to their Lordships' consideration. The fact was, that the mistake arose from the haste in which the Bill was prepared to be returned to their Lordships on the same day that it had been read a third time and extensively amended. The words making the allowance in certain cases obligatory were accidentally struck out, and the Amendment restoring the "red letter" provision inserted. Now, as the omitted words were not in the Bill as sent down from this House, their Lordships, had the mistake been discovered, could not have inserted them, and the only means of rectifying it would have been for the Commons to request that the Bill might be returned to them in order that they might put it in the shape which they desired. The mistake, however, could not have been discovered till their Lordships' print had appeared, and had been compared with the Commons' print; and as the former was only issued on the day when the Bill would have been considered, the probability was that the measure would have been passed minus the provision to which the schoolmasters would have been entitled, and which they would have supposed had been secured to them. This case showed the danger of hurried legislation, and he hoped the matter would be considered by the Commons as well as by their Lordships; for it was but fair that each House should have sufficient time to deal with Bills which came to it from the other, and the desire of both must be to secure perfect legislation. He was not sure that Governments were not at times too anxious to pass too many important measures to allow of their being properly considered; and this Session the time of the other House might be so occupied by some of the Bills now before them that they would not be sent up to their Lordships, or Bills originating here sent back as amended, in proper time. He hoped, however, that with this example before them their Lordships would be resolved to maintain their undoubted right to be allowed proper time for the consideration of the measures submitted to them.

THE DUKE OF ARGYLL remarked that there was a homely but very expressive proverb which affirmed that it was no use crying over spilt milk, and he was certainly not disposed to cry over the spilt milk of the Scotch Education Bill last Session, or over the dispute in which he was worsted by the noble Lord. He never for a moment disputed that the Bill came back to this House under peculiar circumstances, and that if their Lordships thought themselves unable to give the Amendments proper consideration they were fully justified in refusing to deal with them. All that he suggested at the time was that, the Bill having originated here, and many of the Amendments not being hostile to the views of their Lordships, it would not, if they were anxious to pass the measure, be inconsistent with their duty to consider them even at so late a period of the Session. He perfectly recognized the right of the noble Lord to watch the proceedings of their Lordships' House with special attention, in order that they might not be open to real or formal objection; but he must say that the case he had now brought forward was not a very strong one. The clause in question was reprinted in the precise form in which it left this House, and the mistake would not have been a very serious one, though, no doubt, the schoolmasters were anxious to secure retiring allowances, and obtained the moving of an Amendment in the other House. [Lord REDESDALE remarked that the Amendment was carried.] It did not come back to this House as carried. With regard to the measure itself, he was happy to find a considerable agreement of opinion had been expressed; and he hoped that after the English Education Bill had received the sanction of both Houses, a Bill not unlike that which passed this House last year might be again brought forward.

LORD KINNAIRD asked whether it was not possible to frame the Bill on the subject of education in England in such terms as to make it applicable to England and Scotland? A few separate clauses might be required; but in the country districts the existing means of education were admittedly ample, though in the towns the parochial system was not sufficient.

THE EARL OF MINTO entirely dissented from the suggestion of his noble Friend. As regarded the subject mooted by the noble Lord the Chairman of Committee, though he was unwilling to say anything which might appear unfriendly towards Ministers whom he was in the habit of supporting, he quite agreed with the manner in which the Bill was sent back, on the assumption that it would be passed without the opportunity of considering its details, was quite unreasonable.

ADMIRALTY.

MOTION FOR PAPERS.

THE DUKE OF MARLBOROUGH moved for—

Copy of Correspondence between the Admiralty and the Treasury and of other Papers relative to alterations in the organization and business of the Admiralty and to reductions in the establishments:

The Duke of Argyll

Copies of Orders in Council of the 22d day of February 1870 respecting Naval Promotion and Retirement:

Copy of the Report of the Civil Commission appointed to inquire into the condition and organization of the Naval Hospitals, with extracts from the appendices thereto:

Copy of a Report by the Earl of Camperdown on the arrangements of Her Majesty's Victualling Yard, with the Reports thereon of the officers to whom it was referred:

He presumed that as these Papers had been already laid before the House of Commons, no objection could be made to their production. He must say he thought Governments had of late years been rather reticent in giving information to their Lordships on Admiralty matters; but several Papers on military questions had been presented to them by command this Session, and he hoped the noble Earl who represented the Navy in this House would communicate to them whatever Papers of interest were presented or moved for in the other House.

THE EARL OF CAMPERDOWN readily assented to this Motion on the part of the Government. He could assure the noble Duke that there was no desire on the part of the First Lord of the Admiralty to withhold from their Lordships any Papers relating to matters of importance, which must, of course, be of the greatest importance to their Lordships; and, in future, he would take care that whatever important Papers were laid before the other House should also be laid before their Lordships.

THE EARL OF HARDWICKE asked that there might be added to the Papers a copy of the Patent whereby the Board of Admiralty is constituted. Formerly, it was a board the members of which co-operated together; but it was no longer such. It still claimed to be a Board; but it seemed that the First Lord only communicated with the other members at his pleasure, and, he presumed, in his own room; and, therefore, there was a total change in the character of the head of the service. It was now, in fact, a government of the First Lord, and not of the Board of Admiralty. Further, he should wish for some information as to the First Lord of the Admiralty, being a civilian, proceeding to sea with a fleet; because he thought that such an act was offensive to naval commanders, and dangerous to the safety of the fleet.

THE EARL OF CAMPERDOWN said, the Government had no objection to produce a copy of the original Patent constituting the Board of Admiralty. The Returns moved for would show that the recent changes had received the sanction of an Order in Council—of which he could not now give the precise date—and he presumed that changes allowed by Orders in Council were not inconsistent with the original Patent. The noble Earl was mistaken in thinking that the Board of Admiralty never met, though he did not pretend to say that its sittings were frequent, or that the greater part of the business of importance was transacted at the Board as formerly, for its constitution had entirely changed. The First Lord gave an explanation last Session of the new organization adopted by his advice under an Order in Council. With regard to his taking the fleet to sea, the noble Earl must make a distinct Motion if he sought to remove from the First Lord a power which, whether it was customary to exercise it or not, undoubtedly attached to his Office.

THE EARL OF ELLENBOROUGH said, that if the alterations in the constitution of the Admiralty which his noble and gallant Friend had mentioned had been effected, they would be a great improvement. He had never known any Department in which business was so unsatisfactorily conducted as it used to be at the Admiralty. He had known a Board, that of Indian Control, which, as a Board, never sat at all; although in the time of Mr. Pitt and Mr. Dundas it did so, and was really what it purported to be.

THE EARL OF HARDWICKE would not say whether the alteration was an advantageous one or not; but it had been stated in "another place" that, in accordance with the existing practice, parts of the scheme had not been discussed by the Board as a Board.

Motion amended, and *agreed to.*

POLICE SYSTEM OF SCOTLAND.

QUESTION.

THE EARL OF MINTO asked Her Majesty's Government, Whether it is their intention to carry out in any, and, if so, in what particulars, the recommendations made in the year 1868 by the Select Committee of this House on the County and Burgh Police Systems of Scotland, with a view to increasing the efficiency of the Scottish Constabulary? To a similar Question last year he received a reply that some of the recommendations were under consideration, and he hoped now to elicit a still more satisfactory and definite answer.

THE EARL OF MORLEY said, he regretted that he must give merely the same answer that he gave last year. He must not be thought to undervalue the labours of the Committee if he said that some of their recommendations were not of an urgent or important character, while many were drawn in somewhat qualified terms. Several of them, however, it was proposed to carry out as soon as possible. With regard to the most important of them—that of superannuation—the whole question was under consideration, and it was obviously desirable that the same principle should, if practicable, be applied both to England and Scotland. As to a *Police Gazette*, the Government thought it reasonable that such a paper should be established in Scotland, as was already the case in England and Ireland. Many of the other recommendations were in a fair way of being carried out, without the intervention of the Government.

CRIME AND OUTRAGE (IRELAND.)

MOTION FOR RETURNS.

THE MARQUESS OF CLANRICARDE moved, according to Notice, for Return of the counties or districts proclaimed by the Lord Lieutenant since the 1st of November, 1868, and for Copies of, or extracts from, Correspondence between the Irish Government and lieutenants, deputy-lieutenants, or magistrates of counties relative to Crime and Outrage in 1868 and 1869. In making this Motion he had to complain that the Members of the Government had hardly kept faith with him with regard to their promise on his withdrawing his former Motion, of communicating as far as possible all the Papers or information he had asked for; for nothing on the subject had yet been laid on the Table. A Bill had been brought into the other House for the repression of crime in Ireland, which would probably soon come up to their Lordships. Now, it was most desirable, before that measure came before them, that they should have every possible information as to the state of Ireland—not merely as to the repression of crime, but that they should have a complete statement of the policy of the Government in that country. Ireland was in a condition which led him to entertain graver apprehensions than at any time within his memory; and what he especially lamented was the total absence of any influence on the part of the Government, or of any other body which ought to possess any influence. Indeed, the reasons that had been given by the Members of the Government for introducing this Bill for the repression of crime in Ireland conveyed a very imperfect notion of the calamitous condition of the country. The Bill which had been introduced would, he was inclined to think, be found an efficient measure; but he demurred to the statement which was made on its introduction—that Ireland had often been in a worse condition, and that there was, therefore, no occasion for despondency or serious apprehension. The Bill was partly composed of provisions of the Acts of 1833 and 1847, and other measures; but, on looking back to those periods, the difficulties which the Government had then to contend with must be considered, and it was the duty of the Ministry to show how, without experiencing any analogous difficulties, they had allowed the country to get into its present condition. In 1833, the lawlessness and disturbances which prevailed were largely connected with the collection of tithes from the occupiers, which many Irishmen thought a justification for insubordination to the law; and, in 1847, famine was ruining both landlords and tenants, producing a feeling of despondency; but, when the Government rose in its might, it put down in less than a year the spirit of disorder. The Poor Law was not then in operation, and the population exceeded 8,000,000; whereas now we had a diminished population, and greater elements of prosperity, so that there was no excuse for allowing the country to have fallen into its present condition. There was now a feeling in Ireland which endangered the security of the Union more than at any time within his recollection. He recollected Mr. O'Connell, and his power over the minds of the people; but, at that time, the preponderating influence of property and, to a great degree, of intelligence was on the side of loyalty and the Union. At present, however, the Government had not such a hold on the property, minds, and affections of the people in favour of Union as in those days. This was not wholly the fault of the present Ministry; but there had, of late years, been an alienation from the Government of persons of property and influence; and this, to his mind, had been most mischievous to the tranquillity and good condition of the country; and he saw nothing in the so-called remedial measures, or policy of the Government, at all calculated to diminish the evil. Hence it was he had moved for any correspondence that might have passed between the Irish Government and the county magistrates and gentry; for such correspondence had diminished till it had reached a minimum, and no longer existed. He did not believe the Government now consulted anyone out of Dublin. He had asked several lieutenants of counties, and they had told him that, except partaking of the hospitality of the Lord Lieutenant, there was no communication between them and the Government. Now, it was a serious thing for the Government of a free country to dissociate itself from men of property, who ought to have considerable influence over it. What the Government called their "remedial measures" had had no remedial effect. He supported the Church Bill last year, seeing no alternative between it and religious inequality; but, however just it might have been in principle, it had brought no support to the Crown or the Government. So far from it, it had produced a tone of dissatisfaction among a numerous and powerful body of persons in the North of Ireland, which had not subsided, and which led them to talk about the Union in a way which had never been indulged in before. On the other hand, the reticence of the Government on the land question all last year led to hopes being entertained by the people, which were absurdly exaggerated by factious persons, and now there was consequently disappointment and discontent, and he saw no indications of the Land Bill they had now introduced having elicited any support or satisfaction. The Roman Catholic priesthood were, of course, gratified at what they deemed the destruction of the Protestant Church; but could it be said that the Government were in alliance with them. Were they in alliance, either, with the speakers at so-called tenant-right meetings, where topics of a very different kind were introduced? Was it not persistently affirmed by a large party that the British Parliament were insensible to the wants and feelings of the people? He was extremely sorry that at this moment the Roman Catholic clergy had not more influence. They were plainly told by the persons who perpetrated and sympathized with these crimes that they were not listened to or respected as formerly. Being suspected of an alliance with the Government, their influence was lowered—indeed, he could not recollect a time when the influence of the rural Roman Catholic priesthood was so low as at present. Of course, in a numerous body, some exceptions might be found on whose conduct blame might be cast; but could it be doubted that as a body the priesthood would help to put down crime and outrage if they dared, and if they enjoyed the respect and veneration formerly attached to them? He hoped, by the way, that there would be a definition of "outrage," when their Lordships came to discuss the Bill. In 1866, there had been a great deal of talk about the unfortunate state of affairs in Ireland, and especially as regarded security of tenure. But, did they really suppose that the Irish people, whom the Government regarded as in some respects so ignorant as not to be able to make their own contracts, were not intelligent enough to see how their interests had been treated as the subjects of party conflicts on one side or the other. Did they think they did not know how to appreciate the position of parties in this country? These matters were perfectly well known in Ireland; and if the Government did not at once take up things with a strong hand, and re-establish social order, the consequences, if not immediate, would yet be of the gravest character. He did not, indeed, apprehend that any one would successfully bring forward in the Imperial Parliament any Motion for the repeal of the Union, nor did he fear the repetition of so absurd an attempt at rebellion as the Fenian disturbances; but he had little doubt that immediate measures were necessary for tranquillizing the country; and the Government ought to give Parliament and the country a satisfactory assurance on the subject. Up to 1866 there was a minimum of crime in Ireland—and why?—partly, as he believed, because Fenianism, having greater influence than the Government in keeping the people quiet, at that time discouraged disturbances and outrages; but in 1866 the Habeas Corpus Act was suspended; and the suspension not being renewed by the Government which came into Office in the summer of that year, the result was that crime rapidly increased, and the suspension had to be renewed; but in 1867, 1868, and 1869, things became worse, and outrages were now, according to the statement of the Government, more prevalent than at any time in the present year. This condition of things demanded the communication of the fullest information—even more than that embraced in his Motion—before their Lordships were called on to consider the Bill which would shortly come before them.

Moved, That there be laid before this House,

Return of the counties or other districts of Ireland which have been proclaimed by the Lord Lieutenant from 1st November 1868 up to the present date:

Copies of or extracts from any Correspondence that may have taken place between the Irish Government and lieutenants, deputy lieutenants, or magistrates of counties relative to Crime and Outrage in the years 1868 and 1869.—(*The Marquess of Clanricarde.*)

LORD DUFFERIN said, the Government had no objection to furnishing the principal items of information included in the Returns asked for by the noble Marquess. Indeed, they had been prepared in the discharge of their duty, irrespective of any Motion on the subject, to lay on the table such information and Returns as it was desirable the House should be in possession of. He must, however, protest against the implied accusation of breach of faith. When the noble Marquess first placed his Motion on the Paper, he communicated with the Irish Office as to how far it was convenient or desirable that it should be complied with, and he then informed the noble Marquess that a portion of the Returns would be produced, but that there was an objection to that part of his Motion which related to private and confidential correspondence which might have passed between the Government and Lords Lieutenant and magistrates. The noble Marquess thereupon informed him that he would not press his Motion, and he therefore concluded that it was indifferent to him whether the Returns were supplied or not. The Government, however, for the reason he had stated, had been hurrying on the preparation of such Returns as it was consistent with public convenience to produce. He would not follow the noble Marquess through his discursive observations as to the past condition of Ireland, and the various matters connected with the administration of the country; but he was inclined respectfully to question his allegation that, consequent on the legislation of last year, a disloyal and discontented spirit has sprung up in the North, which had evinced itself in disloyal and discontented language. Here and there a few persons might occasionally have indulged in strong and imprudent expressions, but he believed such a spirit was entirely absent from the North of Ireland; and, indeed, he had been much struck by the self-respect and dignity with which they had accepted the conclusions arrived at by Parliament last Session.

On Question? *Resolved* in the *Negative.*

NATIONAL GALLERY.

MOTION FOR RETURNS.

Viscount HARDINGE, in moving for Copies of Correspondence between the Office of Works and the Architect of the new National Gallery respecting the designs for the new building, said, that about a year ago he called attention to the great delay in the erection of the new building; since which time, he believed, nothing had been done beyond the appointment of Mr. Barry as architect, and the preparation by him of plans and designs. There was a rumour that the design sent in by Mr. Barry was not to be acted upon—in fact, that the present First Commissioner of Works had abandoned the idea of erecting a new Gallery, and proposed to make alterations in the present building to adapt it to what might be required. He hoped this was not correct, and that it was not the carrying out of a policy at which the First Commissioner hinted in his speech to his constituents; for it would be most unfortunate if, instead of erecting a building worthy of the nation, we were to patch and tinker the present building, merely in order to save a little money. He hoped, at all events, that the recommendation of the House of Commons' Committee last year, that in future the plans and specifications of all public buildings in the metropolis should be lodged at the Office of Works, would be acted on, and that an adaptation scheme would not be decided on before Parliament had an opportunity of expressing an opinion on it. For an immense number of pictures room could not now be found, and many other bequests might be expected. He, therefore, protested against patching the present Gallery.

Moved, That there be laid before this House, Copies of Correspondence between the Office of Works and the Architect of the new National Gallery respecting the designs for the new building.—(*The Viscount Hardinge.*)

Earl GRANVILLE said, he had made inquiries of the First Commissioner of Works in relation to the Motion of the noble Viscount, and had ascertained that the correspondence to which it referred was not yet concluded. It would be most inconvenient to produce an imperfect correspondence, and therefore he could not accede to the Motion. He could assure his noble Friend that no great scheme for patching up the National Gallery had been adopted. The works now in progress were simply some alterations in the arrangements of the hall, and other matters of trifling importance.

Lord REDESDALE said, that before we undertook any new buildings it would be well to complete those that were in course of erection. He had often called the attention of the House to the condition of the ground which had been purchased for the erection of the new Government offices in Parliament Street. The delay which had taken place in erecting the new offices was perfectly discreditable; and the site instead of being an ornament to the metropolis was simply a disgrace. If the Chancellor of the Exchequer had a large surplus, as was said, in no way could some of the money be better applied than in providing adequate accommodation for our public offices, which were now scattered, at very great expense, over a number of private houses, rented for the purpose, at the West-end of the town. If the contemplated new buildings were erected, valuable property now occupied for the purpose of public business would be rendered available for letting, at rents which would return no inconsiderable aggregate addition to the revenue. He trusted that before long some action would be taken by the Government in the matter.

EARL GRANVILLE said, that the subject of the completion of the new buildings had been for a long time and was still receiving the careful consideration of the Government.

THE EARL OF CARNARVON trusted that the Government would give the House some assurance that as soon as the correspondence to which the noble Viscount's Motion referred was completed it would be laid upon the table.

THE EARL OF KIMBERLEY said, it was not the usual course for the Government to pledge themselves to produce a correspondence a portion of which was not yet in existence; but he should think that as soon as it was concluded there would be no objection to its production.

Motion (by leave of the House) *withdrawn.*

House adjourned at half past Six o'clock,
'till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 21st March, 1870.

MINUTES.]—NEW WRIT ISSUED—*For* Bristol, *v.* the Hon. Francis Henry Fitz-Hardinge Berkeley, deceased.

PUBLIC BILLS—*Resolution in Committee*—Customs (Isle of Man).

Ordered—First Reading—Drainage and Improvement of Lands (Ireland) Supplemental * [83]; Customs (Isle of Man) * [84].

Second Reading—Peace Preservation (Ireland) [75], *debate adjourned.*

Committee—Report—Mutiny *; Marine Mutiny *; Inverness County, &c. (Boundary) (*re-comm.*) * [38].

Considered as amended—Judges Jurisdiction * [60].

Third Reading—Dublin Collector-General of Rates Franchise * [61], and *passed.*

ARMY — CONTROL DEPARTMENT AND THE ROYAL ENGINEERS.

QUESTION.

MR. WHITE said, he would beg to ask the Secretary of State for War, What duties formerly carried on by the Departments at present placed under the Control system are now performed by the Royal Engineers; and, if it be the case that those duties are satisfactorily performed, and have entailed no increase in the superintending staff of that Department, what reduction has been made, in consequence of those diminished duties, in the number of officials under the consolidated system of the new Control Department?

MR. CARDWELL: Sir, at present the custody of the fabric of barracks, the handing them over to troops and receiving them back again, assessing damages to the fabric, and the working of fixed machinery are in the hands of the Royal Engineers. A transfer of fifty-one subordinates occurred when these duties were handed over. The superintending staff of one Department has not been increased, nor that of the others diminished, in consequence of this arrangement. It is proposed to take back to the Control Department the custody of barracks, and the handing them over to the troops.

ARMY—SALE OF COMMISSIONS.

QUESTION.

MR. GOURLEY said, he would beg to ask the Secretary of State for War, If it be correct that Field Officers of the Army who have retired on half-pay, leaving the full value of their commissions in the hands of the War Office, subject to the right of selling out before reaching the age of sixty years, have had the said privilege withdrawn irrespective of length of service?

MR. CARDWELL: Sir, I have already stated that in 1861 a regulation was introduced by which half-pay officers are enabled, when the Reserve Fund is sufficient, to sell their commissions. The regulation expressly says—

> "As the funds at the disposal of the Secretary of State for War for this purpose are limited, when the funds are expended no further sales will be allowed."

In consequence of the recent reductions, the Reserve Fund is not in a condition at present to purchase half-pay commissions.

TAXES FOR EDUCATIONAL PURPOSES.

QUESTION.

MR. PELL said, he would beg to ask the First Lord of the Treasury, Whether, in case the funds as at present raised by local taxation are further burdened by the Legislature with charges for Elementary Education, Her Majesty's Government intend to take any and what steps to ascertain, and, if necessary, to remedy any inequality that may now exist, or may from the proposed school rate arise, in the distribution of taxation on real and personal property respectively?

MR. GLADSTONE: Sir, if I may criticize the Question of the hon. Gentleman, I venture to say that I think the obligation on the part of the Government to bring under consideration the entire question of the state of local taxation, its incidence, and its relation to other descriptions of taxation, is one which they have undertaken to discharge, whether there be or be not any further charge imposed with regard to elementary education. We must perform that important and onerous duty in the best way we can, and I fully admit the obligation, even independently of any further charge.

NAVY—THE "MUTINE."—QUESTION.

MR. MELLOR said, he wished to ask the First Lord of the Admiralty, If the following paragraph, recently inserted in one of the Country Newspapers, is correct—viz:—

> "We have a curious little item of Dockyard news, the 'Mutine,' a wooden corvette pierced for seventeen guns, and described as in every way fit for service, was recently put up for sale by auction; the highest bidding was £6,000, but there was a reserve price put upon her of £8,600, and she was therefore bought in. It is now stated that the gentleman who offered £6,000 has obtained the ship, by private arrangement, for £4,500, not the mere hull and standing gear, be it remembered, but sails, spars, stores, engines, and, in fact, everything that was on board when she was paid off?"

MR. BAXTER replied that the statements made in the paragraph quoted from the country newspaper were entirely incorrect. The *Mutine* was not a vessel fit for the service; but had been pronounced by the officers specially responsible for those matters to be altogether unsuitable for modern warfare. She was put up at public auction in June, 1869, when £4,600 was the highest sum offered. In July a firm in the City made an offer of £6,000, conditional on a survey turning out satisfactory. In October, however, that firm wrote declining the purchase, as they had had an unfavourable report. The ship was again put up to public auction in February, 1870, when the highest bid was £3,900, and she was again bought in. £4,500 was subsequently offered privately, and, on the recommendation of the professional officers, accepted.

NAVY — ROCK IN PEMBROKE REACH.

QUESTION.

MR. SCOURFIELD said, he would beg to ask the First Lord of the Admiralty, What foundation there is for a statement made in the House respecting the existence of any rock in Pembroke Reach, making the Dockyard inconvenient or unsuitable for the resort of large ships; and, whether in the work of rivetters, to which attention has been called, a stipulated amount of work must not be performed before any wages were paid?

MR. CHILDERS replied that in the year 1862 the *Prince Consort* touched on a rock in Pembroke Reach, but the greater portion of that rock, the existence of which was till then unknown, had since been blown up. The remainder had been buoyed, and therefore there was now no rock in the reach which rendered Pembroke Dockyard inconvenient or unsuitable for the resort of large ships. With regard to the second question, he had to state that rivetters were partially paid on the piece-work system. If they did not execute a fair amount of work their wages were subject to abatement. In such an event an inquiry was held, and if the reasons assigned by the men for not having done more work were deemed unsatisfactory, a reduction was made.

IRELAND—POLITICAL PRISONERS.

QUESTION.

MR. MOORE said, he would beg to ask the First Lord of the Treasury, Whether he is to understand the statement which he received in reply to his Question on Thursday the 17th instant in the sense of the following words:—

> "That the consideration of this question must necessarily depend on the restoration of law and order in Ireland; and, as soon as the disorders now prevailing in that Country are repressed, he trusts that he will be able to give a very different answer to Mr. Moore, and to announce the liberation of the political prisoners?"

Mr. GLADSTONE: Sir, as the Question contains certain words which are placed in inverted commas, perhaps it would be only just to the hon. Member as well as myself to explain that those words contain the signification of the kind of answer which he said he hoped to receive in reply to the Question which he put to me on Thursday last. The hon. Gentleman is a great master of clear and powerful expression, and I was very glad to find that my reply seems to have kept very close to the substance of those words. Since Notice of the present Question was placed on the Paper I have referred to the answer which I made as reported, and it appears to me, as far as my memory serves me, to have been reported with the most precise accuracy. I suppose every man has a preference for his own modes of expression, however inferior; but so far as substance is concerned, I see no difference between the words which the hon. Gentleman uses and those which I spoke the other night, for I find I am supposed to have said that no persons can so much long for the arrival of the period when it might be possible to give a different answer to the hon. Gentleman as those who are responsible for the detention of those prisoners. When I speak of political prisoners, of course I think it right to draw a line between prisoners properly so called and those in whose case there might be an admixture of other offences. That is the only qualification we have to make.

ARMY—MILITIA QUARTERMASTERS.

QUESTION.

Mr. WINGFIELD BAKER said, he would beg to ask the Secretary of State for War, since arrangements are about to be made by which Quartermasters are not to be granted to regiments of Militia, How the duties of such an officer are to be performed during the times of training, and how they who performed them are to be remunerated?

Mr. CARDWELL: Sir, the duties will either be performed by the adjutant, with the assistance of the quartermaster serjeant, or the commanding officer may select a subaltern to perform them. The Militia regulations provide allowances for the officer performing the duty.

PARLIAMENT—PALACE OF WESTMINSTER—THE CENTRAL HALL.

QUESTIONS.

Mr. A. E. GUEST said, he wished to ask the Chief Commissioner of Works, Whether he intends to make provision in the Estimates for completing the decoration of the Central Hall; and, if not, his reasons for not so doing?

Colonel SYKES said, he wished to ask, When it is intended to cause sufficient light to be thrown upon the mosaics in the Central Hall, to enable Members of Parliament and the public to appreciate the design and execution of the work; what has been the total cost; and, whether it is intended to place similar mosaics in the three remaining compartments of the Hall in similar obscurity?

Mr. AYRTON, in reply to the first Question, said, that until the Estimates were laid on the table, it was not usual to ask what was contained in them. When they were laid on the table he should be glad to give any explanation of them which might be required. With respect to the decoration of the Central Hall, that would be dealt with in the Estimates. To have new lights there would necessarily involve the construction of new windows, which must result in increased expenditure.

ARMY—SECRETARY OF STATE FOR WAR.—QUESTION.

Colonel STUART KNOX said, he would beg to ask the Secretary of State for War, Whether he has now the right to interfere with the command, discipline, and patronage of the Army, or is such power, as it formerly was, expressly excepted in the wording of the Warrant appointing the Secretary of State?

Mr. CARDWELL: Sir, Secretaries of State receive their office from the Sovereign by the delivery of the Seals, and since 1861, whenever Patents have been held by the Secretary of State for War, the limitation to which the Question refers has been omitted. The command, discipline, and patronage of the Army are in the hands of the Field Marshal Commanding-in-Chief, subject to the approval of the Secretary of State. I have repeatedly said that I am responsible for the approval of every appointment that is made; but it must be clearly understood that the patronage of the Army does not originate with me, and is entirely independent of any influence, political or personal, on my part.

COMMUNICATION WITH FRANCE. LOSS OF THE "NORMANDY."

QUESTION.

SIR WILLIAM GALLWEY said, he wished to ask the President of the Board of Trade, Whether Her Majesty's Government have urged upon the French Government the adoption of the recommendation of Captain Tyler for a Joint Commission relative to the improvement of the communication between the two countries; and, if this has not been done, are the Government prepared to take any immediate steps to that effect, or to adopt any other means for enlisting the co-operation of the French Government in furthering so important an object? He had also to ask, with respect to the recent loss of the steamer "Normandy," what boats were in the packet. It had been stated that the average number of passengers of these steamers was 300, in addition to the crew, while the boats would only suffice for forty or fifty persons. He wished to ask if this was consistent with the regulations of the Board of Admiralty, and whether some means could not be adopted to compel steamers to carry large boats on the paddle-boxes?

MR. SHAW LEFEVRE: With reference, Sir, to the first Question put to me by the hon. Baronet, I have to say that Captain Tyler's most able Report was communicated to the French Government through the Foreign Office, and Lord Lyons reports that he has frequently brought the subject under the notice of the French Government, and has always found that they are fully alive to the importance of improving the communications between the two countries. As the recommendation of the Report had reference mainly to improvements to be effected on the other side of the Channel, it has not been thought necessary to propose to the French Government an International Commission; but I understand that the French Government have themselves directed a Commission to report upon the subject. With reference to the other Question put by the hon. Baronet, I believe I am right in saying that the loss of life caused by the sinking of the *Normandy* was not due to the insufficiency of boats. The lifeboat of the *Normandy* unfortunately was staved in by the collision, otherwise the boats would have been sufficient to save all. At the same time I must say that, in the opinion of the Board of Trade, it will not be possible to compel the passenger steamers running between England and France to have boats sufficient for the very numerous passengers they often carry. They would encumber the decks, and rather add to the danger than detract from it.

SIR JOHN PAKINGTON said, he wished to know whether in the case of the collision between the *Normandy* and the *Mary* the bells had been kept ringing, or any other precautions taken in the very thick fog which prevailed?

MR. SHAW LEFEVRE said, he had received no information on that point. He understood that the fog had come on very suddenly, and that only a few minutes elapsed before the collision occurred.

CANADA—SIR ALEXANDER T. GALT.

QUESTION.

MR. WHALLEY said, he wished to ask the Under Secretary of State for the Colonies a Question with reference to the following:—In a letter of Sir Alexander T. Galt, a Member of the Parliament of Canada, published in "The Canadian News" of the 17th of March instant, he states his belief that the policy of Independence for that Colony "had been arrived at by the Imperial Government;" and in a speech recently delivered by that gentleman in the Canadian Parliament, the report of which appears in the same newspaper, he states that the distinction of knighthood had been conferred upon him in pursuance of a Correspondence between him and the Government, wherein he avowed himself to be in favour of that policy, and that he was satisfied that such was "the policy desired by the Imperial Government," and that, in so far as his loyalty might be questioned, "he stood upon the same ground as the Ministers of the Crown in England;" whether the Correspondence so referred to by Sir Alexander T. Galt, is in the possession of the Government, and whether there is any objection to produce the same?

MR. MONSELL said, in reply, that the Correspondence to which the hon. Gentleman referred could not possibly be laid on the table of the House. He thought, however, that by reading the reply made by his noble Friend Earl Granville to Sir Alexander T. Galt he should give the hon. Gentleman the information which he required. His noble Friend said—

> "I have only one objection to authorizing you to publish a copy of my private letter to Sir John Young of the 19th of June. It would establish a precedent which might, in other circumstances, be inconvenient, if a liability was admitted to produce a private letter from the Secretary of State to the Governor because the latter had communicated it confidentially to a third person, as Sir John Young did to you with perfect propriety in this case. I had previously obtained the Queen's permission to offer you the Knight Commandership of St. Michael and St. George, with a view of paying a compliment to the Dominion in the person of one of its most distinguished statesmen. I was not then aware of the views which you entertained respecting the possible future of the Confederation. Sir John Young forwarded to me the letter in which, giving your reasons for it, you stated your opinion that the Confederation of the British North American Provinces was a measure which must ultimately lead to their separation from Great Britain; that it could not be the policy of England, and was certainly not the desire of the people of the Dominion, to become annexed to the United States; and that the best course to avoid it was to encourage the Canadian people to look forward to independence in the future; and you added your belief that 'the existing relations would be safer and more durable if the future state were clearly recognized and, if possible, a term fixed therefor,' it being the interest of the Canadians and your own desire to postpone the event, and to avail yourselves of the moral and physical support of Great Britain as long as possible. You thought that these views ought not to be regarded as detracting from your duty as a subject of the Queen; but you did not like to accept the distinction unless those opinions were known to those who made the offer, and you asked that the communication might be considered confidential, as you did not wish to pledge yourself to a policy which events might cause you to modify. In reply, I requested Sir John Young to inform you how much pleased I was with the honourable spirit of your letter, and to add that I did not consider your statement precluded a Minister of the Crown from offering you a well-deserved honour from the Queen."

IRELAND—GLENCREE REFORMATORY.

QUESTION.

MR. BAGWELL said, he wished to ask the Chief Secretary for Ireland, Whether his attention has been drawn to the case of a boy who was sentenced to confinement in Glencree Reformatory, and who it is stated died from exposure to cold while being conveyed to that establishment; and, whether he will take such steps as will prevent the probability of such an occurrence taking place in future?

MR. CHICHESTER FORTESCUE, in reply, said, his attention had been drawn to this occurrence, and the Government would take all the steps that were possible to prevent its happening again. With respect to the event itself, the moment it was reported to the Government an inquiry was directed to be instituted by the Inspectors of Prisons, but the result of the investigation had not yet reached him.

IRELAND—SUB-SHERIFF OF MONAGHAN.

EXPLANATION.

COLONEL LESLIE said, he wished to correct a mistake into which he had fallen the other evening in seconding the Motion of his noble Friend (Viscount Crichton). He stated, and at the time sincerely believed the statement to be accurate, that Mr. Little, the sub-Sheriff of Monaghan, was an Orangeman. Since then he had received a letter from Mr. Little, who denied that he was an Orangeman, or ever had been one. He therefore took the earliest opportunity of correcting the statement he had made.

BEVERLEY ELECTION PROSECUTIONS.

QUESTION.

MR. BOUVERIE said, he wished to ask the Solicitor General, Whether it is true that the Record has been withdrawn in the case of the contemplated trial for bribery at Beverley; and, if so, under what circumstances; or whether the trial has been postponed; and, if so, till when?

THE SOLICITOR GENERAL: Sir, I am glad to answer the Question, as I was to have conducted the prosecution at York. The facts are, as my right hon. Friend has stated. The record has been withdrawn, and the trial has been postponed under these circumstances—When the learned Judges were at Lincoln, I placed myself in communication with Mr. Justice Smith, to appoint a day for the trial of the Beverley bribery cases. He sent me a letter in reply, explaining that, after the days for the circuit had been fixed—and a longer time than usual had been allowed to York on account of the Beverley cases—the Thorncliffe rioters had been committed for trial to the number of twenty-three, all of whom would be strongly defended, and almost all of whom had, when before the magistrate, called witnesses to prove an *alibi.* That case was certain to last a long time, and in consequence Baron Cleasby would certainly have to assist him in the criminal court. Upon the receipt of that letter, I directed that the earliest possible application should be made to the Judge when at York to fix a day. It was done, and he refused to do so, but directed Mr. Overend to renew the application. I have the notes of what passed in court on the second application; but it will be sufficient to state that Mr. Baron Cleasby declared himself entirely unable to fix a day, but that the course to be adopted by the Crown was perfectly clear. Mr. Overend telegraphed to know if he had not better withdraw the record; and it was obvious that unless that had been done an enormous amount of expense and inconvenience would have been occasioned, not only to the Crown, but also to the defendants, without any result. It seemed, therefore, that the fairest thing to be done was to withdraw the record, and to give immediate notice to the defendants and to the witnesses of the course that had been taken. After it had been done, it occurred to me whether it would not be possible to try the case at Leeds, which had lately been made an assize town for Yorkshire. But upon looking to the Order in Council it was found that although indictments could be moved from York to Leeds by order of the Judge, an information could only be so removed by order of the court in which it was filed. That court is the Court of Queen's Bench; but that court can only act as a court in term, and it is not now sitting. I may add that I have received this morning a letter from Mr. Justice Smith, in which he says that he is very glad that we took the course of withdrawing the record, because he was then trying only the first batch of the Thorncliffe rioters, and that a number of remanets would certainly have to be made. It is with great regret that we have felt the necessity of postponing the trial, which will now come on in the ordinary course, in summer; but, if there is any desire on the part of the defendants to expedite it, and to bring it on sooner in London, the Law Officers of the Crown will offer no objection to that course being taken.

Mr. COLLINS said, the hon. and learned Gentleman had received private notice of a Question which he had intended to put on Tuesday, but which he might, perhaps, be allowed to ask now; and it was, whether there will be any objection, on the part of the Crown, to re-entering the trial, so that it might be held at York immediately after the conclusion of the Leeds Assizes?

The SOLICITOR GENERAL: I am not aware that there is any objection, on the part of the Crown, to that course; but as my hon. and learned Friend is aware, the record cannot be replaced except by consent, and by the leave of the Judge; and, knowing what I do of the state of business at the York Assizes, it seems very unlikely that that leave would be given.

PEACE PRESERVATION (IRELAND) BILL—[Bill 75.]

(*Mr. Chichester Fortescue, Mr. Secretary Bruce, Mr. Solicitor General for Ireland.*)

SECOND READING. [FIRST NIGHT.]

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chichester Fortescue.*)

Mr. MOORE said, he rose to move that the Bill be read the second time upon that day six months. He had not come to the conclusion to move this Amendment without very grave consideration. He should have consented without hesitation to grant the Government any necessary powers within the limits of the Constitution for which they might have considered it their duty to ask Parliament, for the purpose of suppressing outrage and restoring law and order in Ireland. He should have consented, although not without great reluctance and regret, to have granted the Government any further powers, even outside the limits of the Constitution, which they might have considered requisite adequately to attain their object. But he could not believe that this measure was necessary, because the ordinary powers already possessed by the Executive in Ireland were so far from having been exhausted that they had not even been tried; but they had been neglected, abdicated, and utterly set at nought to an extent that had excited the wonder and indignation of every sensible man in Ireland, and which threw doubt and discredit, not only upon the character of the Executive, but upon the administration of justice. The provisions of this measure would be as ineffective as they would be galling and offensive, for they did nothing that could not be done without them; nothing certainly that a timely use of the ordinary machinery of justice might not have rendered unnecessary. And, further, it appeared to him that the provisions of the Bill were not even calculated to carry out the object in view; they did not indicate that even now there existed in the minds of the Executive a clear, distinct, and single-minded comprehension of the great and paramount duty which they had hitherto neglected. It appeared to him that this measure was only another symptom of the Fenian nightmare which had governed the conduct of the Irish Executive during the last year. Within the last two months the Government had filled Ireland with soldiers, and paraded the country with red-coats, as if in search of some invisible and mysterious foe. Their military success had been complete, and they might say in the heroic language of Tom Thumb—

> "Thus far with victory our arms are crowned,
> For though we have not fought, yet have we found
> No enemy to fight withal."

With equal diligence the police had been searching for the arms, ammunition, arsenals, and military magazines of the imaginary enemy; and all this time a squalid conspiracy that required no army to put it down, that required only the assassin and the revolver to carry out its purposes, had been allowed, without let, hindrance, or molestation, to grow up, to extend, establish, and fortify itself throughout the country, spreading terror and confusion among all honest men, The right hon. Gentleman the Chief Secretary for Ireland appeared the other night to enjoy a serene consciousness of the utterly irresponsible character of his own Office; but, although he might not be aware of the fact, there was such a thing as public opinion in Ireland. He (Mr. Moore) confidently asserted that there was no intelligent man in that country, no matter of what rank or position, of what politics or religious persuasion, Protestant, or Catholic, priest, parson, or layman, Conservative, Whig, Radical, or Fenian, who did not believe that the Government was responsible for the existing state of things. It appeared to him that it was a special weakness of all weak minds that they could not concentrate their energies on any one good purpose; and it appeared to him that the Executive in Ireland felt itself unable to see its way to the preservation, as the right hon. Gentleman said, of life, and particularly of property, in Ireland without resorting to measures calculated greatly to prejudice public opinion against the object in view. The Irish Executive, which had been asleep at its post, or rather in a state of coma, after a good deal of jogging on the part of the Opposition, suddenly called upon the House to repair all its shortcomings, all its sins of omission and commission, by arming its inert limbs and feeble hands with rusty armour. James I. had written in praise of armour that it not only defended him that wore it but it prevented him from hurting other people. The very reverse might be said of the armour provided by the provisions of this Bill; while it furnished the Executive with the means of scratching every class of the community, it appeared to him that it would be utterly ineffective to accomplish the object of preserving life and property in Ireland. Before they examined the character of the arms which it was proposed to entrust the Executive with, they ought to consider the character of the Government it was proposed to arm; and he hoped he should be excused if he sketched the conduct of the Government in its administration of Irish affairs. As all knew, it was ushered into office by the assuring announcement of the First Minister of the Crown that, in future, Ireland was to be governed according to Irish ideas. [Mr. GLADSTONE: No.] The right hon. Gentleman certainly said something to that effect, if he did not use those words; he said, perhaps, that Ireland was to be governed from an Irish point of view. The right hon. Gentleman's rhetoric was of that peculiar character that it was very often difficult to tell what he meant. The mysterious declaration, whatever it was, did not, apparently, embody any distinct idea of the right hon. Gentleman, and it conveyed very obscure ideas to other people; and the right hon. Gentleman would find it very hard to convince any Irishman who possessed ideas that he had yet accomplished, or was in the way of accomplishing his remarkable prophecy. The first instalment of the policy of governing Ireland from an Irish point of view was contained in the

Irish Church Bill, which, whether a good measure or not, was not constructed from an Irish point of view, or according to Irish ideas, but embodied the feelings and distinctly carried out the ideas and fulfilled the objects and wishes of the English and Scotch Nonconformists. There was, however, one provision in the Bill upon which Irishmen had a particular right to be consulted, and that was as to the disposition of Irish money. Upon that point, Irish ideas, as represented in that House and in the other, had been unanimous to an extent he never before knew. Those unanimous opinions were conveyed to the right hon. Gentleman in the form of a Resolution passed at a meeting of his Irish supporters in that House, and in the form of an Amendment passed in the House of Lords. To his own supporters the right hon. Gentleman did not vouchsafe any answer, and to the representation conveyed by the Lords' Amendment he answered in terms studiously insulting. The second contribution to the government of Ireland, from an Irish point of view, was the singular course resorted to in releasing some of the political prisoners; and certainly that was based on as low an estimate as could possibly be imagined of Irish ideas. Who counselled the Irish Executive in that matter he should be sorry to attempt to guess. It certainly could not be any of the Irish Judges, because it was manifest, from a recent discussion, that the Irish Executive did not consult the Irish Judges; and certainly, the sentences of the Judges, which he supposed represented Irish ideas, did not appear to be regarded, either in considering the amount of crime or estimating the condition of the country. An Irish Chief Baron of the Exchequer was once asked by an Irish jury whether it was competent for them, in respect to a batch of prisoners charged with the same offence, and against whom the same evidence had been adduced, to acquit some and find the others guilty, and his answer was—"Gentlemen of the jury, if any of you have friends or relations among the prisoners, you can acquit them and find the rest guilty." Now, he (Mr. Moore) did not accuse the Government of having friends or relations among the political prisoners, but he did not know upon what other principle of selection they had acted. He must say that the political amnesty reminded him of the old Irish legend told of one of the Irish kings, to the effect that when his mother had brought him forth, in part, she was prevented for a considerable time from accomplishing the act of parturition by the will of some old woman. The third instalment of Government, from an Irish point of view, had been presented in the shape of the Irish Land Bill—a Bill which he frankly accepted, as showing a sincere desire on the part of the Government to meet the demands of Irish opinion as far as was compatible with the condition of opinion within the walls of Parliament; and he believed that the disappointment and discontent with which the Irish farmers were disposed to regard the Bill were, if not mainly, at all events in a great degree, attributable to the misapprehensions and delusions they had been led into with respect to the intentions of the Government and the opinion of Parliament. But could it be denied that the Government were gravely responsible for the propagation of those delusions? Like the Sphinx, they held up their riddle to all time, and stood in stolid and inflexible silence while the people were expounding the riddle to their own destruction. A bait was thrown out for groundlings, and they caught a shark; and it was the shark which they had now to deal with in the provisions of this Bill. This measure — the last attempt to govern Ireland from an Irish point of view—he regarded as an outrage on common sense; for it was an outrage to common sense that men in high and responsible positions, and called on to cope with pressing and immediate danger, should divert their powers of defence and resistance to other difficulties, which were neither dangerous nor pressing, and endeavour to cure one disease by the application of remedies suitable for another. The object being the protection of life and property in Ireland, it was an outrage to common sense to perplex and prejudice that one great paramount and pressing object by odious invasions of political rights, and invidious restrictions on individual freedom. What was the object which the Government, in introducing this Bill, had in view, or ought to have had in view? It was the protection of life and property, which were menaced in various parts of Ireland. And by whom were life and property menaced? As a representative of a county (Mayo) in which lawless combinations had lately been held, he wished to disabuse the minds of some hon. Gentlemen of an impression which appeared to prevail very generally. These combinations in different parts of Ireland did not form constituent elements of one great combination — of one confederated association of men carrying out a common purpose in different parts of Ireland. They were for the most part scattered, local, occasional combinations, arising, in the first instance, out of a spirit of resistance to acts of local despotism, and dying out when the circumstances in which they originated ceased to exist. But one mischief was, that when any of these combinations became established in a district it was made to cover a sinister determination to avoid altogether the discharge of legal obligations, and the greater part of the menacing notices, of which mention had been made were, served by private individuals for private purposes, and the acts of outrage which occasionally followed expressed generally either private resentment or personal wrong. One of the most evil consequences in every country, and at all times, of these combinations of evildoers was, that they were made to assume the form of popular agitation, and that attempts were made to associate their ill deeds with the politics of the time. In all other countries every rational Executive had endeavoured to deprive all bands of brigands of that colour of excuse; but it had been reserved for the Executive of this country to introduce a penal statute for the purpose of associating acts of robbery and murder with political action and agitation. In his opinion, the action of the Executive, as represented in the present Bill, was calculated to prejudice, as far as possible, public opinion in Ireland against the object they had in view; and in the name of all classes in Ireland—in the name of every one whose property or life was menaced, and last, not least, in the names of those whose rents were not paid, as was, unfortunately, his case, he protested against this attempt to prejudice the action of the Executive in the detection and punishment of murder and assassination by associating those crimes with political opinions which they in no way represented. As to the action taken by the measure against the Press, it was of a most severe and sweeping character. Suppose the action taken within the provisions of this Bill against the Press of Ireland would apply to the acts of the assassins themselves. Suppose it were sworn that a particular occupier of land in his country were clearly in collusion with acts of murderous assassination—that his house should be levelled to the ground, his crops destroyed, and all his property carried away; if he were left the mere alternative of proving to the satisfaction of a jury that it had been done on insufficient information, that would be a very extraordinary measure, and yet it was the measure which the Government proposed. Against such a measure he distinctly protested. It had not been alleged that any part of the Press in Ireland had been in collusion with the murders, robberies, and crimes against person and property in Ireland, to put an end to which was, or ought to be, the object of this Bill. On the contrary, the Bill distinctly stated that on any journal being thought guilty by Government of sedition, the Press, and the property of that Press, was to become amenable to the law. Sedition was a very wide term. He had been accused of sedition himself. He thought even the right hon. Gentleman at the head of the Government, in the course of his speeches in Lancashire, might not unreasonably have been accused by misguided men of something very closely bordering on that crime. And he should be very sorry, he confessed, to subject him to the alternative of a jury if such proceedings had been taken against him as this Bill proposed against the Press of Ireland. Under these circumstances he felt bound to protest against this measure, which, under the pretence of protecting life and property in his country, sought to establish little less than personal government in Ireland. For his own part, he was prepared to say if Government separated the political incidence of this Bill from the action they were prepared to take against those who were committing crimes against person or property in Ireland he would be quite ready to withdraw his Amendment. But he could not consent to the association of robbery and murder with political agitation, which, he thought, was not only unfair towards the one side, but raised the other to a position to which it was not fairly entitled. If this measure were passed, all he could say was, that, in his opinion, Irish Members had no further business there; and he hoped their constituents would call them back to Ireland. [*Laughter.*] That, he was very well aware, would be a great mercy to many English Members—he hoped their constituents would call them back to Ireland to resist personal government how they could, and to assist them in resisting the provisions of this Bill. He moved that the Bill be read a second time this day six months.

Mr. CALLAN seconded the Amendment. He said he opposed the Bill for the reason which had been assigned by the hon. Member who had moved the Amendment—namely, that it mixed up politics and agrarian crime. That was, in his opinion, a thing which the House ought carefully to avoid. He thought the Government had already sufficient powers, if they were properly exercised, to put down agrarian crime. He could not hold the Government guiltless of great remissness in the detection of agrarian crime. It was well known in Ireland that the threatening letters which "had fallen like snow-flakes," had been written by schoolmasters under the mixed system of education. The Government had district Inspectors who ought to be able easily to detect who were the authors of this crime. But that was not the only reason why he objected to the Bill. He objected to the 13th section, which in any proclaimed district empowered any justice of the peace—although no person was charged before him with the commission of any offence—to require any person whom he might believe capable of giving evidence to be examined on oath, and if he refused to answer any question or to enter into recognizances, he was to be treated in the manner described in the 15 & 16 *Geo.* III., c. 21; for the Bill in this respect was a servile copy of that Act, with a most important proviso left out—

> "Provided that no such examination shall subject the party examined to any prosecution or penalty whatever."

In what spirit would that section of the Act be construed by the local magistracy? It would be considered in the spirit of a proceeding for the disarming of Papists. Then, again, the 20th section declared it to be lawful for any justice of the peace or other person to arrest anyone found out in the street or highway, or elsewhere, between one hour after sunset and sunrise, and to commit him to gaol until the next petty sessions. He objected to that clause. But most emphatically he objected to the Press clause, because, under cover of a fictitious panic from agrarian outrage the Government sought for greatly increased powers over the Press for other purposes, the two matters having no real connection whatever. No such tyranny had been proclaimed in France when Rochefort and other seditious journalists were to be put down. It was reserved for the Irish Executive to produce an Algerine Act against the Irish Press under the guise of putting down agrarian crime. He could see no justification for such a course. So far as threatening letters were concerned, he had himself some experience of them. He had received threatening letters; but they never prevented him from going out to dine, and coming home at all hours of the night. He knew that the authors of such productions were cowards; and the case as stated by the Government was certainly not one to jnstify an invasion of the Constitution, which the Bill was admitted to be. He, therefore, had much pleasure in seconding the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Moore.*)

Question proposed, "That the word 'now' stand part of the Question.

Mr. NEWDEGATE said, he felt that there was some truth in the statement made by the hon. Gentleman (Mr. Moore), with respect to the existence of a difference between those who had been disturbing the peace of Ireland. He (Mr. Newdegate) was aware that in Fenianism itself there were two elements; that Ribbonism seemed to have come to the aid of Fenianism, or to have taken advantage of the terror excited by Fenianism, for the purpose of accomplishing its own peculiar objects, which were agrarian—objects which, he was sorry to say, had received, to a large extent, the sanction of Her Majesty's Government in the Land Bill they had laid before the House. It was very important that the House should be made aware of the fact that Fenianism was no trifle, but that it was ramifying in this country. Information which he had upon the subject led him to believe that the Executive should take some precautions as to the use of a large supply of arms which had been furtively introduced into Ireland. He represented the town in which arms were manufactured, and he had other means of knowing that arms had, during the last three or four months, been stealthily introduced into Ireland. He would, therefore, be the last to oppose the second reading of any Bill for the preservation of peace and of life and property in that country, which Her Majesty's Government might think it right to introduce. The present measure seemed to him a feeble copy of the Insurrection Act of 1833, deprived of some of the most efficacious provisions which that Act contained. He thought it would have been better that the Habeas Corpus Act should have been suspended; and he should have preferred that that part of the Act of 1833 had been adopted, by which the trial of murder and cognate offences should be transferred at once to the military tribunals, because he should then have felt a security that the other necessarily arbitrary provisions of the statute were not intended to be abiding regulations in the sister country. But as to resisting the introduction of this measure, he could vote for it with a clear conscience, because he felt deeply with the hon. and learned Member for Richmond (Sir Roundell Palmer), who, speaking of the Irish Land Bill, said that the measure was degrading to the Legislature, and that nothing would induce him to vote for it except the hope that Her Majesty's Government would follow it up by a measure for the preservation of life and property. So strongly did he feel with the hon. and learned Gentleman, that when the division on the second reading of the Land Bill was called for, he left the House, knowing that an arrangement had been come to by which the minority would be no less fictitious than the majority, and would be held to promote the progress of the Bill even more than the majority. That measure was a concession to agitation in Ireland. It was a sequence to the great blunder of last Session with regard to the Irish Church, and a greater blunder he believed had never been committed. [" Oh, oh!"] Did they need any proof? They were promised from that measure peace, contentment, and gratitude; they had insurrection. And insurrection was, according to the policy of Her Majesty's Government, to be gratified with a still further concession — a concession demanded by the Ribbon organization, under the penalty of murder and violence. It was in obedience to the dictates of that Ribbon organization that the Government had been induced to come down to the House with their Land Bill. This he held to be degrading to the House. He did not wish to underrate the dangers to which Ireland was exposed. There were two elements in Fenianism. There was, first, the American element, which embodied a genuine national desire to free Ireland from the domination of England; this was natural, and in some degree justifiable, because some of the Fenians apprehended that England was about to submit Ireland to the domination of the Irish priesthood and the Papacy. That was a kind of Fenianism which was natural, and, to some extent, was justifiable. It was that element of Fenianism, and that element only, which Cardinal Cullen condemned. He had come to the aid of the Government to put down that class of Fenians, because they would not obey his dictates, and those of the Papacy, and for the same reason he condemned the Freemasons no less than the Fenians. It appeared that Her Majesty's Government, in their recent policy, were resting their strength upon that broken reed— the good faith of the Papacy. He was not surprised that the spirit of the Fenians rose against this. But the other class of Fenians, those who were connected with the Ribbon organization, had ever looked up for support to the Roman Catholic priesthood. He would give the House a remarkable instance of the extent to which that organization was ramified. At the time of the mutiny of the Nore the officer who distinguished himself most was Sir Charles Rowley. He sailed from the Nore immediately after the suppression of the mutiny with a crew of mutineers, thus deserving the honours which he afterwards received. A mutiny took place in his ship after he had sailed; his life was attempted, but that mutiny was put down. That officer gave to a relative of his, who afterwards gave it to him (Mr. Newdegate), a copy of the oath which was taken by the mutineers at the Nore, and it was the Ribbon oath. [*Cries of* " Read!"] He had not the document with him; but he would engage to produce it to any Member of the House who might desire to see it. He adduced this to show at what an early period this agency was at work creating those difficulties for England, which Ribbonmen and their priestly directors held to be opportunities for Ireland. The difficulties of the present position were greatly aggravated by the agitation countenanced by Her Majesty's Government during the last two years. The position was in great measure analogous to that which existed prior to 1798. There were then wild democratic ideas afloat, generated from the first French Revolution, which were adopted by a portion of the Protestants, who were discontented on account of the slights put upon them by the Government of that day, this discontent was strongest among the Presbyterians, who were dissatisfied. Now, the American revolutionary spirit was rife, and had generated a temper in Ireland analogous to the feelings he had described as prevalent at the end of the last century. There could be no doubt that a reactionary policy had been adopted by Her Majesty's Government; it was a reactionary policy, reversing the policy which this country had hitherto pursued towards Ireland, and it would be found to aggravate the difficulties with which she had to contend. He was an Englishman, and the representative of Englishmen; and he had listened with disgust to the perpetual invectives which the First Lord of the Treasury had directed against the conduct of all his predecessors, and against the action of Parliament up to the present time. He was an Englishman; he knew English legislators had not always behaved well towards Ireland, but their uniform object had been to raise Ireland to an equality with England in capability for freedom and in civil privileges; yet the Prime Minister referred all the ills of Ireland to Englishmen. He took no pleasure in trampling on his father's grave and defacing the name and the record of his good deeds on his tombstone; but the Prime Minister seemed to take a pleasure in these invectives, which had stimulated the storm now brewing in Ireland. The invectives with which the First Lord of the Treasury had characterized the former policy of England towards Ireland during the last two years had justified the Fenians in the eyes of many who would otherwise have turned against them, because the Prime Minister came down to that House and stood, as it were, in a white sheet, confessing not his own sins, but such as he described to be those of his predecessors and his country. This teaching added hundreds to the enemies of England. The discontented among the Irish people said *Habemus confitentes reos*—we have them confessing that they have been always adverse to Irish freedom and Irish welfare. On this subject it was but yesterday that he was turning over an historical work, *Wade's British History*, the writer of which did not hold his opinions, but he knew the work to be accurate, for he had often tested it. That writer said—

> "The chief transactions embraced in the second portion of the reign of George III. are, first, the commencement of the war with the North American Colonies, and the recognition, after an unsuccessful struggle of eight years, of their independence of the mother country. Secondly, the relaxation of the penal laws against Roman Catholics, and the disgraceful riots with which it was accompanied. Thirdly, the beginning of the attempts, which have never since been intermitted, of raising Ireland to an equality of civil rights and commercial advantages with England."

But now Her Majesty's Government had reversed this policy, which, up to the present time, had been, to a considerable extent, successful; and for what? They had disendowed the Protestant religion in Ireland for the sake of telling the intelligent foreigner that they dared not maintain the Protestant Establishment in Ireland. They had reversed the whole policy which had brought England up to her present pitch of freedom for the sake of introducing a Land Bill, which declared that hereafter there should be no agricultural freeholder in Ireland, but that every freeholder should become a copyholder of the State. The Attorney General said that this measure was founded on the assumption that they must take things as they were; that was a stand-still policy. This standing still is but the first step towards retrogression. The right hon. Gentleman knew well that the object of the Government was to establish a feudal tenure in Ireland, and that all property in Ireland should be copyhold held of the State. He defied any lawyer to contradict him when he said that this Bill would place the State in the position of the over-lord of property, deducting, in some instances, one-fourth of the value of the land, by way of fine, for the benefit of the tenant, who had no claim to compensation where it could not be proved that he had made improvements. They were told that this was to assimilate the tenure of land in Ireland to the customs of England. But there was no analogy between the two cases—the English customs were founded upon the improvements actually made by the tenant, and grew out of the progress of agricultural improvements, and could not be recovered against the landlord, unless contract on his part could be proved. The custom of England was founded upon contract. The Government declared, by this legislation, that the Irish people were so barbarous that they could not be trusted to enter into contracts among themselves. Was not that a reactionary measure? Whom would it gratify? It would gratify the Papacy, which had been struggling for this for hundreds of years. It would gratify the Papacy—that power which declared that the principles of its government were in direct opposition to modern civilization—it would gratify the potentate who, not content with the power which had been granted to all his predecessors, sought to be declared infallible, that he might exalt his authority over every monarch, and bind every State to his obedience. He had no wish to oppose the present Bill. He considered it a measure necessary to meet a melancholy state of things, from responsibility for the existence of which he could not exonerate Her Majesty's Government, who had for their own purposes fostered agitation, and had, both by their conduct and policy, aggravated the difficulties with which they now had to contend.

MR. SAUNDERSON said, he was sure that all those Members who were interested in Ireland must have felt deep regret at the Government being forced to bring forward this measure, especially when they reflected that the measure before the House was diametrically opposed to the tendency of the recent legislation; but the Government had refrained as long as was consistent — some hon. Members might think longer than was consistent—with the safety of life and the security of property in Ireland, from bringing forward measures to secure those two objects, which most people thought desirable. As one whose ideas had been sharpened by receiving a threatening letter, he felt interested in this matter, especially because, for some years past, the state of Ireland had caused anxiety, and had given rise to repeated discussions in this House. Two years ago the hon. Member for Cork (Mr. Maguire) drew a lamentable picture of the condition of Ireland, and stated his opinion as to the course which ought to be taken in order to bring about a state of things which everybody wished to see prevailing. He said in Ireland there is an alien Church; pull that down; in Ireland there is a feeling very generally spread among the tenantry that the tenure of land is not of a character to satisfy them; therefore, bring in a Land Bill which shall give them security of tenure. Two years had passed, and the Irish Church no longer offended the hon. Member for Cork, since all that now remained of that Church was the echo of her fall, a sound which was still ringing in the ears of many Irishmen, while the peace and prosperity which all then hoped for had not yet been obtained. He did not desire to rake up nearly forgotten subjects, because although the past might be remembered, it could not be recalled. The Government had, however, attempted to deal with the present condition of Ireland in a measure which was introduced by his right hon. Friend (the Chief Secretary for Ireland) with his usual lucidity and placidity, but without any statement of his opinion as to the real causes which had led to the present lamentable state of that country. With honourable candour, his right hon. Friend said that recent legislation—meaning the Irish Church Act—and legislation which was now in progress—alluding to the Irish Land Bill—had doubtless excited the minds of men in Ireland, a statement which was creditable to his right hon. Friend's candour and perception. But as the Chief Secretary had not stated his own opinion as to the causes which had led to the present condition of Ireland, he (Mr. Saunderson) would address himself to that topic, because he was afraid that the prevailing agitation in that country would continue for some length of time. For centuries a controversy had existed between the landlords and the tenants of Ireland with regard to the possession of the land of that country, and it could not be denied that the tenants had some sort of right on their side, because, owing to circumstances which neither landlords nor tenants could control, the interests of both had become to a great extent mixed up together. Hon. Members should recollect that the land of Ireland was subdivided to such an extent that it was impossible for the landlords of that country to build and repair farm buildings, and drain, and make hedges, because those improvements would exceed in cost the value of the fee simple of the estate. No one who knew the circumstances under which Irish landlords were placed could blame them for not effecting such improvements as were made by landlords in England. He had an estate in Ireland on which there were about 800 tenants; but on a similar property in England there would not be more than 100, if so many, and if he had built all the houses for those 800 tenants, had drained their farms and made their fences, he certainly never would have been in that House. The tenants of Ireland having carried out improvements, thereby creating an additional value in the land, he did not deny that they had a certain amount of right on their side. The controversy between landlords and tenants had been carried on with great vivacity and determination on both sides. But as regarded some of the demands put forward, the law of the land, the laws of justice and political economy, and last, though not least, the Chancellor of the Exchequer, were on one side, while blunderbusses, rifles, revolvers, shillelaghs, crowbars, bludgeons, and political agitators were on the other. Well, the tenants of Ireland having succeeded in introducing into the minds of the Irish landlords, to a very considerable extent, feelings the reverse of pleasant and secure, thought at one time that they would have things very much their own way. They forgot the law which was at the root of all political economy—that a disturbance of the relations between any two classes of society caused a disturbance of the whole social machine. The labourers — the Lack-Land Looters of his noble Friend the Member for Haddingtonshire (Lord Elcho—got up their cry and said—"We, too, have some right to the land; we labour the land, we drain the land, we assist in building houses." Accordingly, they put in their claim, and commenced shooting the tenants. [An hon. MEMBER: Where?] That was the present condition of Ireland. Great insecurity existed, because the tenants invariably shot the landlords, and because the labourers sometimes shot the tenants. Thus, there was in Ireland at this moment a state of things such as never had existed in any other country. Poland was referred to by some persons; but there was no analogy between the case of Poland and that of Ireland. In Poland the religion of the country was oppressed, but in Ireland there was now no State religion. In Poland the national language was prohibited; but had that embarrassment ever been felt in Ireland? Why, the possession of the strongest and most redolent vernacular had not precluded its possessor from a seat even on the Treasury Bench. That being the lamentable state of things existing in Ireland, and the minds of the Irish people not having been educated in respect of the rights of property, the Government brought in the measure the House was now considering. His right hon. Friend the Chief Secretary for Ireland made a very fair speech in introducing the measure. He clearly and boldly told the House his opinion, and there was nothing to complain of in what was said by his right hon. Friend; but a speech had been made from the Treasury Bench of which he did complain to a certain extent. In the interests of his country he wished to call the attention of Her Majesty's Government to what he thought was a most unfortunate statement of his hon. and learned Friend the Solicitor General for Ireland (Mr. Dowse). His hon. and learned Friend, in the eloquent speech delivered by him the night this measure was introduced, made use of these words, speaking of the Irish magistrates, a class to which he and other Gentlemen on that side of the House belonged—

> "He would not say that the magistracy of Ireland was in an altogether satisfactory state. Those who knew him would, he ventured to flatter himself, not suppose that he was going to change his nature, and say that which he did not believe to be the case, because he happened to sit on the Treasury Bench."

No doubt that was the candid impression of his hon. and learned Friend; but he thought that persons in a responsible position should be careful of giving utterance even to candid expressions when they might be followed by results the reverse of happy. He supposed his hon. and learned Friend meant to convey to the House that he had never had much opinion of the Irish magistrates; but really such a statement coming from the Treasury Bench at a time when the Government was proposing to double the powers of those magistrates was one of the most extraordinary things he had ever heard. It reminded him of an announcement once made in an Irish newspaper, and which was to this effect:—"Not having any news or any remarks to make we only publish a supplement." The announcement of the Solicitor General for Ireland that not having any opinion of the Irish magistrates, he proposed to very much increase their powers was, he thought, quite as logical as that of the Irish editor. He hoped Her Majesty's Government did not share in the opinion of his hon. and learned Friend, because he did not think the Irish magistracy had ever behaved in a manner to justify such an attack. He now came to the measure itself. He intended to give it his cordial support. At first he thought it did not go far enough; but if the Government should find that it was not sufficient to meet the evil, they could come to the House before the end of the Session and ask for additional powers. Some hon. Members had asked him to name the case of a labourer having attacked a tenant. [An hon. Member: Shot.] In his own county the other day a respectable Roman Catholic farmer was dragged forcibly from his bed by an armed party of ten men. He was not shot, but those men presented revolvers at him and made him swear to give up a farm he purchased some years ago from a person who was going to America, but now wished to come back and resume possession of the land. They not only made the farmer do that, but, adding insult to injury, they compelled him to pay their expenses from Tipperary to Cavan. Then, as to threatening letters, he presumed that there were other Gentlemen in that House who had received such missives. Just before he came over to attend his Parliamentary duties he received a threatening letter and—so curious was the development of the Irish mind—it ordered him to turn a tenant out. The writer said—"If you don't turn him out, you shall fall a victim to my balls." However, if the writer did not shoot with greater accuracy than he wrote, perhaps he was not in so much danger after all, because he spelt "balls" in this style—"bawls." He wished now to say a few words about their prospects — about what might be the result of this legislation. If this Coercive Bill were the only measure the Government intended to bring in for the pacification of Ireland, he should indeed despair. Under such circumstances, he could have had no hope for the pacification or the welfare of Ireland; but Her Majesty's Government had a hand of mercy as well as a hand of justice. They had introduced what, in his opinion, was the greatest measure ever brought forward on the subject of land. That measure asked of the Irish landlords a sacrifice of many of those rights which they had always regarded as inherent in the possession of property. Though he did not want to make a merit of necessity — he might say that the landlords of Ireland were ready to make that sacrifice without sorrow or regret, because they felt that in the end it would have the effect of bringing peace and satisfaction to their country. Many prophecies had been made as to what would happen in Ireland. He did not want to add himself to the number of those who had so signally failed in their predictions; but he did hope that Her Majesty's Government and the great party who followed them did not intend to do justice to any one set of persons at the expense of another. He trusted they would do justice to all, irrespective of rank or religion or party. He did derive courage from the words of Sacred Writ, which he hoped they would take as their motto —"The liberal deviseth liberal things, and by liberal things shall he stand."

Colonel WILSON PATTEN said, he should have liked to hear from the Government some reply to the remarks made by previous speakers before intruding himself at that critical hour of the debate upon the attention of the House; but as no Member of the Government had seemed disposed to rise, he trusted he might be permitted to offer a few observations on the Bill before them. He thought the Chief Secretary for Ireland had on Thursday made out his case fully, and had proved not only that the Government were justified in bringing forward a measure for the repression of crime in Ireland, but that it was incumbent on them to do so. If he had any fault to find with the Chief Secretary's speech, it was that he had under-stated rather than over-stated the gravity of the present circumstances of the country. One part of the right hon. Gentleman's speech had caused him great satisfaction. In former discussions the right hon. Gentleman, when seeking to justify the conduct of the present Government, had been rather in the habit of attributing to the preceding Government some of the encouragement that had been given to agrarian crime in Ireland. Believing it was not impossible that the right hon. Gentleman might take up that subject again, he had come down prepared to vindicate the late Government and repel that charge; but he was happy to find that in his statement on Thursday the right hon. Gentleman so thoroughly refuted, and, he might say, annihilated, all accusations of that kind, that it was entirely unnecessary for him to trouble the House on the matter. The Chief Secretary, on a former occasion, had alluded to the Ballycohey affair, and sought to impute blame to the late Government for not taking proper steps after that occurrence for the repression of future crime, as if to that cause these outrages in Ireland were to be ascribed. ["Hear, hear!"] If the hon. Gentleman who cried "Hear, hear" thought that was the case, he would refer him to the Chief Secretary's speech on Thursday last, in which he would find such a notion entirely refuted. The Chief Secretary had quoted the criminal statistics of different periods, and proved that the interval between the Ballycohey outrage and the next crime of a similar kind which succeeded it was longer than the interval between any two of those agrarian outrages in any of the periods quoted by the right hon. Gentleman for the purposes of his comparison. The right hon. Gentleman showed that the Ballycohey affair occurred on the 14th of August, and that the next similar outrage was committed on the 30th of December, or more than four months afterwards. That rendered it quite superfluous for him in any way to defend the conduct of the late Government in the matter, or to vindicate his official predecessor, the Earl of Mayo, who, when he read the right hon. Gentleman's speech in India, would be glad to see in it so complete a refutation of all the charges made on that point. Having gone very narrowly into the present state of crime in Ireland, he had come to the conclusion that it was more terrible — more horrible — than the right hon. Gentleman had represented. He believed, indeed, that at no period of Irish history had there been so near an approach to the Reign of Terror during the French Revolution as at the present moment. He had in his possession papers to prove that not only were life and property in the greatest danger in Ireland, but that the landlord could not insure his property, nor raise money upon it, nor assist his tenantry; while in some districts not only his own existence, but that of his whole family was seriously imperilled. The Chief Secretary seemed to think that the present phase of crime in Ireland was more of an agrarian than of a political character; but the measure now proposed was directed more against political than agrarian crime. No doubt, the origin of the present state of crime in Ireland was agrarian; but within the last few months there had been an increase of political agitation. Since Fenianism had been successfully put down by the late Government, its leaders had had recourse to agrarian outrages to resuscitate it and keep it alive, and by means of the Press they had sought in every way to foment disloyalty, and thus to produce a more dangerous state of things than even agrarian outrages. It was plain that the Fenian writers in the Irish Press had the lowest appreciation of the intelligence of their readers, for there was no falsehood too gross, no argument too ludicrous, no occurrence too trivial for them to use for the purpose of instilling disloyalty and disaffection into the minds of the people. He did not think the state of things in Ireland could be much worse than it was now; and, under these circumstances, he was prepared to support that Bill, being perfectly convinced that the Government could not, and durst not, in the face of the country, allow matters to remain as they were, without introducing some additional measures to those now in existence for the preservation of order. At the same time, he felt bound to make a few remarks on the causes which had led to the present increase of crime in Ireland. At the outset, he would state that he believed there existed causes in that country which were themselves sufficient to account for that increase of crime; but he could not altogether acquit the Government from some responsibility in the matter. He thought if they had acted with a little more firmness and decision they might have prevented, at any rate, a portion of the present amount of crime. They had found Ireland when they took Office, not indeed in a quite satisfactory state—far from that, and nobody could speak of the state of Ireland for years past as having been satisfactory—but, as contrasted with the present condition of things, it was then comparatively tranquil and satisfactory. The Chief Secretary had established that point when he gave them an account of those crimes in Ireland for a period of four or five years. The right hon. Gentleman had told them that the agrarian crimes in that country in the year 1867 were 123 in number, in 1868, the period when the late Government were in Office, they were 160; and in 1869 they mounted up all at once to 767. That was a serious change for which the Government should account in some way or other, and for which he must hold them in some degree responsible. He gave the Government credit for good intentions; but he thought they had acted injudiciously with respect to advising the Crown to exercise the prerogative of mercy. He would not for the world interfere with the prerogative of mercy. He believed that crime was followed by punishment for the sake of repression, and if they could duly exercise mercy while benefiting the country, he would not be the man to find fault with it. But what he did find fault with was, that the Government had let the Fenians out of prison at a time when not a trace of feeling was shown by the convicts which could lead the Government to believe that they had changed their characters, and that the exercise of mercy in their regard would conduce to the peace of the country. On the contrary, looking to the publications of the day, it appeared that these men were liberated exactly at the time when the leaders of the Fenian party were seeking to join themselves to the agrarian conspirators, and when forced from one position they were taking up another, by which they might arrive at the same object by different means. And what was the result? Why, that the liberated convicts were welcomed as a little army of martyrs; they threw up their caps in the face of the Government, and he believed it would be found that almost every one of them, from the moment they were released from gaol to the present, was either directly or indirectly promoting the present agitation. His right hon. Friend the First Lord of the Treasury shook his head; but he was assured that such was the case. He would not willingly state what was not true; and he should be glad, if in error, to be corrected by Her Majesty's Government. But that was not the only act which was injudicious. He would instance another—namely, the case of the Mayor of Cork, which was under discussion last Session. The Mayor of Cork, holding the position of chief magistrate in one of the largest towns in Ireland, had been guilty of inciting to rebellion, and had abused his office for the purpose of subverting the Government of the country. For a moment Her Majesty's Government showed some symptoms of vigour. They came to that House with a Bill of Pains and Penalties, and it appeared as if they were going to exercise their power by stigmatizing this magistrate, and by depriving him of his office, one of the provisions of their measure being that he should be disabled for ever from holding the office which he then held or any other in the service of the Crown. That was like an act of vigour. But it was as the last spark of a fire, which glittered for a moment and then vanished. Political pressure, he knew, was brought to bear upon the Government at the time. They not only let off the Mayor of Cork, on his assurance that he did not intend by his speeches what was attributed to him, but they did not carry into effect any portion of the Bill which they had introduced, and the Mayor rode off in triumph; the only accusation ever brought against him by the Fenians being that he had not offered sufficient opposition to the Government. He could tell his right hon. Friend this conduct of the Government had produced a very bad effect, and, coupled with subsequent acts, had led to the belief that the law in Ireland was administered in one way with regard to one party, and in another with regard to another. He might allude for a moment to the Motion made a few evenings ago by his noble Friend (Viscount Crichton) on the subject of the late Sheriff of Monaghan. He voted with the minority on that occasion; but though he would support his own opinion, yet he did not wish to go in the teeth of the majority of that House. He would, however, make use of the case for a particular purpose. That transaction was of a political nature. The accusation of the Chief Secretary for Ireland was that Captain Coote was exercising his power to pervert the ends of justice; that he had an under-Sheriff who had improperly made up a panel for the trial of a prisoner; and because he would not dismiss the under-Sheriff, the Government deprived him of his office; and not only did they do that, but they superseded two other gentlemen of the highest character, who stood next on the list, simply because they were of different politics from themselves. His right hon. Friend denied that; but he must own that it was because he could not trust them with the appointment of an under-Sheriff that he cast this stigma on two most respectable men. His right hon. Friend appointed a Roman Catholic Sheriff in Protestant Ulster. [*Murmurs.*] Well, he knew what the hon. and learned Gentleman would say, and he would withdraw the expression. And what was the first act of that gentleman? It was to appoint an under-Sheriff, who was treasurer to the subscription fund that was raised to defend the prisoner M'Kenna. He knew that the person in question was deposed from his office; but what must have been the effect of appointing such a man in Ireland, where party spirit ran higher than in any country he was acquainted with? What must be the effect of the lenient way in which the Government tried crime on one side and the vigour they displayed on the other? He was not going to accuse the right hon. Gentleman of a perversion of justice in Ireland. If he had been in the right hon. Gentleman's place he would have adopted every means of securing a proper panel for trying the prisoner; but there were two ways of doing things. And, looking to the fact that they had a Roman Catholic Lord Chancellor in Ireland, and that lately the course of legislation had been such as to give rise to great bitterness of feeling in the North of Ireland, it created very considerable suspicions against the Government when such unwarrantable means were resorted to for carrying out the object of the right hon. Gentleman. His right hon. Friend at the head of the Government could hardly be aware of the dissatisfaction to which the transaction to which he had referred had given rise, and that dissatisfaction was by no means confined to the right hon. Gentleman's political opponents. Indeed, he had heard the strongest dissatisfaction expressed by men who were supporters of the right hon. Gentleman. He would pass by all the speeches made at public meetings by justices of the peace, supporters of the Government, intended to excite discontent. Nor would he dwell on the case in which a Peer of the Realm had, at a tenant-right meeting, aluded to the memories of Vinegar Hill. That he would pass by; he would only say that he had not heard, on the part of Her Majesty's Government, in Ireland, of any expressions of disapprobation, or that they had taken any measures to show their disapproval. But there was coming on the case of Mr. Madden, on which he would express no opinion until he should hear it discussed. He would use it only for the purpose of showing how very vigorous the Government were in their treatment of those who were opposed to them. What was Mr. Madden's crime? As stated by the Chief Secretary it was this, that he had offered offence to Her Majesty's present Government. He was not one of those who would support Mr. Madden or anyone else in showing disrespect to the Government, because every magistrate should show proper respect to the Government of the day, whatever their politics might be. But in this case it required no time at all for the Irish Government to decide Mr. Madden's fate. The Lord Lieutenant was advised to draw his pen through Mr. Madden's name, and to deprive him of the offices which he held, and which he was never likely to be restored to as long as the present Government was in power. Let the House look side by side with this at the case of the Mayor of Cork, who was treated in a very different way. The Mayor of Cork might be elected Mayor to-morrow without the Government having any power to stop it, and might again become first magistrate of one of the largest towns in Ireland. This difference of treatment created the greatest dissatisfaction in a country where party spirit ran so high. Another point was, the time at which this measure had been brought forward. His right hon. Friend had stated that the subject was not taken up by the Government at the opening of the present Session, and was not included, as would have been the case under ordinary circumstances, in the Queen's Speech, because about that time there was a sort of lull in the crime committed, and because it was therefore hoped that it would not be necessary to resort to extreme measures. He could not understand what his right hon. Friend meant by saying that there was a lull about that period; because he found, on referring to the monthly records, that in November, 1869, there were 144 cases of agrarian crime, and that in December there were no less than 337 cases—more, indeed, in one single month than had occurred during the whole of the two years during which the late Earl of Derby and his right hon. Friend near him (Mr. Disraeli) were in power. In January, 1870, the Returns showed 267 crimes, and in February they had increased to 271; and his right hon. Friend had therefore, in his opinion, himself proved that if such a measure as this were necessary, it should have been introduced at the commencement of the Session. Then, again, his hon. Friend the Member for Mayo (Mr. Moore) had asked the Government why they had not used the powers vested in them by the present law. His right hon. Friend had stated that the Government were anxious not to fail. No doubt it was a very proper thing that any Government should take care, when they found it necessary to prosecute, to prosecute with success. But there was every reason to believe that the Government, had they felt disposed to prosecute, could have done so with success; and he was most struck by the circumstance that his right hon. Friend, in vindication of the course which the Government had pursued, had brought forward an extract from the *Northern Whig*, which he should rather have regarded as a condemnation of that course. The purport of the quotation was that treason was rampant throughout the land; and if that were so, it was surely a reason why the existing laws should be put in force. He could not, however, find any record of such an attempt having been made; and he believed, therefore, that there was some ground for the objection offered by the hon. Member for Mayo. Holding, as he did, those opinions, it might be asked why he did not oppose the further progress of this measure? His answer was simply that he dared not. Looking at the present state of Ireland, he dared not refuse his support to any measure which the Government might think it their duty to assume the responsibility of bringing forward for the purpose of restoring peace and tranquillity to that country. It was a melancholy thing that they should be called upon to legislate exceptionally for Ireland; it was a matter which he viewed with the deepest and most unfeigned regret; but, however much he differed from the Government as to the course they had pursued, he felt that it was their bounden duty to support the Government in their endeavour to restore peace and tranquillity.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he believed that the House, upon consideration, would acquit the Government of the charges brought against them by the right hon. Gentleman opposite (Colonel Wilson-Patten), who he was pleased to find—and he believed that the House would be pleased to find—nevertheless intended to give his support to this measure. The present time was one when the state of Ireland ought no longer to be dealt with in a party spirit. A grave crisis in the history of Ireland had arrived—a crisis in which patriotic men on both sides of the House ought to combine with a view to the restoration of peace and tranquillity. To the restoration of that peace and tranquillity he did not say that the existence of the present Government was a necessity, for he believed that peace and tranquillity in Ireland did not altogether depend upon the particular party which occupied Dublin Castle. He confessed that at one time he held a different opinion; but short as had been his tenure of Office, it had convinced him that the effectual repression of crime did not entirely depend upon whether a Whig or a Tory Administration was in power, and he no longer believed that the restoration of peace and tranquillity depended solely upon the existence of a Liberal Government, any more than he believed that if the right hon. Gentleman opposite and his party came into power good government would be the rule and disorder the exception.

Whatever Government was in power they had the same tools to work with, for he had yet to learn that the magistrates and police and the other machinery for the detection and punishment of crime were changed with every Ministry. He believed, therefore, he was correct in stating that this question far transcended political considerations, and it was hardly worthy of the right hon. Gentleman to introduce his support to this Bill by bringing all these charges against Her Majesty's Government. Since, however, those charges had been made by a Gentleman whose high character would in Ireland lend them weight — which was more than could be said of every speaker on Ireland's wrongs—it was his duty to offer a reply to those charges, and as he believed a refutation of them. Now, the right hon. Gentleman had stated, not only that at no previous period had Ireland been in such a state, but that the present condition of that country was worse than the state of France during the Reign of Terror. [Colonel WILSON-PATTEN: Equally bad.] He accepted the correction, and would take the liberty of objecting to the comparison. The condition of Ireland had been greatly exaggerated; but though it had been greatly exaggerated, he did not deny that the condition was a sad one, and one much to be deplored. But it was far superior to what it was even in 1832. His right hon. Friend the Chief Secretary had said that there were 767 agrarian crimes in 1869; but in 1832 there were nine murders, 172 homicides, 465 robberies, 568 burglaries, 455 cases of houghing cattle, 2,095 illegal notices, 425 illegal meetings, 796 cases of malicious injury to property, 753 attacks on houses, 280 arsons, and 3,156 serious assaults. That catalogue of crime justified him, he believed, in asserting that even in 1832 crime in Ireland was ten-fold what it was at the present time. Bad, therefore, as the state of Ireland undoubtedly was, it was still but right that the House should approach the consideration of the question in a judicial spirit, and not be led away by what, had it come from any other hon. Member, he should have regarded as a clap-trap assertion about the Reign of Terror. Now, the hon. Member for Mayo (Mr. Moore) who, he perceived, was glad to elicit Conservative cheers when it suited his purpose, had referred to the release of Fenian prisoners; but his hon. Friend had not, as far as he could understand, dared to say that the Government had not exercised a wise discretion in the release of prisoners who, with two or three singular exceptions, had not abused the clemency of the Crown. It was true that one or two American Fenians vapoured a little in Dublin after their release; but as they departed by the next steamer, that, perhaps, was of no great consequence; but those who had remained behind had acted differently, and, like the man whose name had been put forward at the election in Tipperary the other day, had retired into private life. He had as good means of knowing who took part in those meetings as most persons, for he not only saw the public prints, but had access to the official Returns in Dublin Castle, and he had no recollection whatever of seeing the name of anyone of the discharged Fenians as having been mixed up with any of the political demonstrations that had taken place. Upon that point, therefore, he might take his stand, and say that the first set of particulars in the Bill of Indictment brought by the right hon. Gentleman opposite had failed. Next, there was the case of the Mayor of Cork. He protested that if there was any one thing which he had supposed could not be charged against the Government it was the case of the Mayor of Cork. The Mayor of Cork certainly was not an Orangeman, yet they had administered in his case the same even-handed justice which they had administered in Monaghan. But the Government were placed in this singular position, that they received shots from both that and the opposite side of the House, fired, on the one hand, by the hon. Member for Mayo, and on the other by the right hon. Gentleman. From the fact that the Government were not able to please the two extremes an impartial spectator would probably come to the conclusion that the Government had administered even-handed justice. What were the facts as to the Mayor of Cork? He was a justice of the peace by virtue of his mayoralty, and not by virtue of any commission from the Crown. Her Majesty's Government could not dismiss him from the office of Mayor of Cork; and, accordingly, when that gentleman misbehaved himself—as they were led to believe that he had done—Her Majesty's Government introduced a Bill with the object of removing him from office—a Bill which was denounced by some hon. Gentlemen opposite as a Bill of Pains and Penalties, though it was supported patriotically by the great bulk of the Conservative party. Ultimately, when the Mayor of Cork resigned, the Bill was dropped; and he was at a loss to know where, in any newspaper or pamphlet or speech Her Majesty's Government had been blamed for allowing the measure to drop, after it had accomplished the object for which it was introduced. Then, if the Government were not to be blamed, what was the use of bringing this matter forward? Was it to show that they were the cause of the present state of crime in Ireland? Her Majesty's Government were said not to have acted with firmness and decision; was that the cause of all the crime in Ireland? [Colonel WILSON-PATTEN: No.] Then, if not, what was the use of bringing these things forward? If his right hon. Friend—if he would allow him to call him so—was only criticizing in the abstract, or from an historical point of view, the acts of the Government, apart from any connection with the question of crime in Ireland, let him write a book upon the subject, which would be interesting as a contribution to history, but in no way could influence the course of events. The right hon. Gentleman also referred to the Sheriff of Monaghan. Surely that case had been disposed of. But the right hon. Gentleman, as he could not get any fresh arguments, took a case that was already decided, and, remembering that it was decided against him, he took another that was not yet decided; but he ought to take some case that was germane to the point. The hon. Member for Mayo went out of his way to get a cheer from the Conservatives by saying that in this Monaghan case the Judge was not consulted. Did his hon. Friend vote with the majority upon that question? If so, did he approve the course which the vote of the majority endorsed? And, if he did, what was the use of his trying to catch a cheer from the party with which, for the moment, he was unnaturally connected? As to not having consulted the Judge, Her Majesty's Government acted advisedly in what they did; they had the facts before them as well as Mr. Justice Morris; and there was no analogy at all between that case and the reference which was made to a Secretary of State in England in the case of convicted prisoners. However, the case had been disposed of, and it ought not now to be brought forward as a ground of accusation against the Government. Then the right hon. Gentleman told them that two gentlemen had been superseded by the Government on account of their politics. To that statement he respectfully gave a denial; no such ground had been suggested or imagined for passing over those gentlemen. [Colonel WILSON-PATTEN: The statement was that you could not trust them.] They could not be trusted with respect to a particular thing. ["Oh!"] Why, there were some things in which the right hon. Gentleman himself could not be trusted—he could not be trusted to make a successful charge against Her Majesty's Government. The point with regard to those gentlemen was that they might appoint the same sub-Sheriff, in which case there would be the same imbroglio over again. The right hon. Gentleman had talked—and something of the old leaven crept out there—of the idea of appointing a Catholic Sheriff in Protestant Ulster. [Colonel WILSON-PATTEN said he had withdrawn the expression.] Very well; then he would also withdraw what he was about to say. But he took the liberty of respectfully wishing that the ghost of Protestant Ulster might be laid so effectually that it never could be even galvanized into use for the purpose of affording to Gentlemen on the other side of the House a bad argument against Her Majesty's Government. As to the Earl of Granard, he thought it a peculiarly unfair thing to bring a charge against that Nobleman, who could not be there to meet it. ["Oh, oh!"] Hon. Gentlemen on the other side of the House might not think it a peculiarly unfair thing—they might even think it a fair thing. But he had the honour of being acquainted with the Earl of Granard, and a more estimable and high-minded Nobleman did not exist in Ireland. He was perfectly satisfied that if put upon his trial before a jury of his Peers Lord Granard would be able to clear himself from having said anything unworthy of his honour as a man, or of his character as a loyal subject of the Crown. Mr. Madden's case was the last which had been referred to; he would not go into that, as it was to be discussed upon another occasion; but the Government would be able to defend their conduct with regard to it, as they had done in every other case. Now, that was the whole of the indictment brought against Her Majesty's Government, and he asked himself in what they were to blame. And what was the remedy? Was it to bring back the late Government? [Colonel WILSON-PATTEN: No, no!] The right hon. Gentleman said not, and he agreed with him in that. None of the matters laid to the charge of the present Government had led in any way to the increase of crime. It might, perhaps, be contended that the measure of last Session and the measure of the present Session, producing, as they did, excitement in the minds of the people in Ireland, might have led to a different condition of things from what existed before; and no doubt such was the case. Ireland had been in the torpor of death. She had no hope from any Administration, and very little indeed from the last. No man had said, or could say, that the Irish Church Bill would at once restore peace and tranquillity to Ireland; but, whether it did or not, Members upon his side of the House believed the disestablishment and disendowment of the Irish Church was a great measure of justice, and if the measure were right in itself, and had proved the means of stirring the minds of Ireland, it must be accepted with all its consequences. The land question was another question of the same kind, and the right hon. Gentleman himself admitted that it must be settled. The right hon. Gentleman supported the Bill, but he did it saying that he dared not vote against it; from which it was to be inferred that if he dared he would vote against it, but that his fears overcame his reason, and to some extent his judgment too. He passed now from the arguments of the right hon. Gentleman who, he thought, would have no reason to complain that, as far as he was concerned, one speaker on the side of the Opposition, at any rate, had not been answered by any Member of Her Majesty's Government. To his hon. Friend the Member for Mayo he always listened with great pleasure, because he was certain that he should always hear the speech of a scholar, and, though he was somewhat rash and inconsiderate as a politician, he conveyed his rash and inconsiderate ideas in the most choice and polished language. His hon. Friend's objection to the Bill was that it associated together matters connected with political disturbances and matters connected with the misdeeds of bandits. He would do his hon. Friend the justice to say that, notwithstanding the eccentricity of some of his political movements, he had always been opposed to lawlessness when it arrayed itself on the side of agrarian disturbance; but in the view which he had expressed that between the two things of which he had spoken there was no connection existing he believed him to be entirely mistaken. The Fenian conspiracy which at present existed in Ireland was connected with the land, and running through all the Fenian ideas and utterances were questions connected with the land. [Mr. MOORE: No!] He was foolish enough to retain his own opinion, notwithstanding the dissent which had just been expressed. He held in his hand one of the journals which had recently attained such unenviable notoriety in this country, and which the hon. Member, he supposed, would admit discussed the question according to Irish ideas—

> "We had thought that the execution of ejecting landlords and agents was not only one of the ways, but the only possible way, for staying this intolerable oppression. We had thought—and have long ago written and printed the sentiment—that as there is no law in Ireland for peasants, but all the laws are against them, they must take the law into their hands or die; and, further, that the people of Tipperary (Dr. Leahy's flock) had not slain half enough of the exterminating landlords and their agents."

[Mr. MOORE: What is the date of that?] The middle of last year. Perhaps the hon. Gentleman would inform the House that these people had changed their minds since then. This was a statement contained in a letter by John Mitchell, who was at the head of, or connected with, the Fenian Conspiracy. [Mr. MOORE: No!] Well, his hon. Friend knew better than he did. From the public Press, at all events, there was every reason to believe that such was the case. The hon. Member for Carlow County (Mr. Kavanagh) had referred to a paper the other day which in general terms advocated the extermination of landlords. Another paper advocated, not the shooting, but the hanging of landlords, holding that this was a more appropriate way of putting them to death, and further reasoned quite syllogistically that that was the only way of logically exterminating them. But one and all referred to the land in connection with the views which they advocated; and he might take one passage by way of illustration. The *Irishman* of October 16, 1869, said—

> "There are 100,000 men in the country to-day who are ready, if necessary, to go to the fullest extent for its liberty. Now, if every man among them was self-reliant we could see their work. Say, let each pay a penny per week for their country's good, and the result would be over £20,000 sterling, just the price of 10,000 rifles with bayonets on the top, or the money would found a national library or something else profitable. Self-reliance and a penny per week, as the result of it, could do this. Read that, young Irishman, and ponder; it is surely worth your while. If there were a thousand Irishmen to collect that small sum there might be 20,000 rifles yearly purchased, duly licenced, of course, to defend our hearths from the invader—French, Russian, or others."

In another paper, in an article headed, in very conspicuous type, "The Fenian Idea," he found the following:—

> "Now, anyone can see that the United States is the only true base of operations in behalf of Irish liberty; and while the United States Government is at peace with England, and an unfortunate international law prevails, there can be but little hope. It is, therefore, the policy of every true Irish patriot to advocate and precipitate a war with England. The people in Ireland could then rise, take England in the rear, while Canada would fall, and might be occupied by the Irish exiles. If a revolution in Ireland during such a war failed—and we don't believe it would—then Canada, at least, would be certain when a better hour might strike. These are some of the chances of Irish liberty—chances at first sight, merely upon the surface of this great business."

He maintained that these newspapers, of which he had scores with him in that House, were saturated with sentiments of a similar description, and yet his hon. Friend seemed to say that an Irish tenant, when he read his weekly supply of refreshing literature, would draw a nice distinction as to whether he ought to shoot one of the Grenadier Guards or to kill his landlord who was nearer at hand. For his own part, he thought no person could reasonably draw such a distinction. These newspapers constituted one of the chief curses of the country. He would now read the last quotation he intended to trouble the House with. It was taken from the *Irishman* of Christmas Eve—the eve of what all people who believed in the words of Holy Writ held to be the advent of "peace on earth and good-will towards men," or, as his hon. Friend would say, "peace to men of good-will," which was much the same thing. The following were the words used:—

> "General Corcoran has not lived in vain. And with the blessing of a just and merciful Providence the gallant soldiers he so often led will one day aid in raising a trophy to his memory under the blue skies of liberated Ireland."

The liberty of Ireland was, in the opinion of the writer, to be secured by a national Legislature and the overthrow of the British Empire. Newspapers containing sentiments like this were scattered broadcast over the land. But his hon. Friend (Mr. Moore) asked why the Government did not prosecute them. It was true that the Government were successful in two prosecutions which they instituted against newspapers for articles about the so-called Manchester massacre; but at the present time the condition of the country was such that Her Majesty's Government, aided by the Law Advisers of the Crown, had come to the conclusion that, though these articles were of such a nature that there could be no doubt they were calculated to stir up the minds of the people to sedition and treason, yet there would be the gravest difficulty in submitting them to the opinion of a jury, because if one Fenian sympathizer happened to be in the jury-box the prosecution must fail. His hon. Friend also said that he was unwilling to entrust the present Government with the large powers conferred by the Bill, and talked about the Government having professed to govern Ireland according to Irish ideas, whereas the hon. Member maintained that there were many Irishmen who had no ideas at all. His hon. Friend went on to say that the state of crime in Ireland at the present moment spread terror among all honest men—a term which, he apprehended, was large enough to include the hon. Gentleman himself. Yet, after admitting all this, and declaring that, were it not for the Press Clauses he would support the Bill, the hon. Gentleman concluded by moving that it be read a second time that day six months. Now, without going through all the mazes of his argument, he must say that the hon. Gentleman did not approve the principle of the Bill, and that the whole tenour of his speech was that he would give it all the opposition in his power. The hon. Member for Dundalk (Mr. Callan), who seconded the Amendment, said that the Government were already possessed of ample powers of detection and of punishment; but if the hon. Gentleman had a little of the responsibility of Office on his shoulders, he would understand how difficult it was to bring to justice the writers of threatening letters. When the threatening letter was sent to the hon. Gentleman, did he go before a magistrate or take any other steps for putting the law in force? If not, the hon. Gentleman himself was to blame, and not Her Majesty's Government. To attribute these letters, as the hon. Member had done, to the mixed system of education, was one of the most extraordinary arguments he had ever heard. It was, indeed, a most unjust aspersion on a highly respectable body of men, who, if not overpaid, as the hon. Member for the city of Cork (Mr. Maguire) remarked, were highly zealous and industrious, and who reflected great credit on the country. His hon. Friend seemed to convey the impression that a National School master had written the threatening letter which was sent to him; but, if so, why did he not prosecute the schoolmaster? In the present discussion it would be out of place to enter into the merits or demerits of mixed education; but he could not help saying it was an injustice to use the argument which had been adduced by his hon. Friend. As to Clause 13, which the hon. Gentleman objected to, it had been drawn up with an earnest and sincere desire to strengthen the hands of the Executive, but the powers it gave would in no case be used in an unreasonable manner. With regard to the assertion of his hon. Friend that the so-called national newspapers were always among the foremost to denounce agrarian crime, all he could say was that he was prepared to give him an opportunity of reading them through, and of then stating—outside the House, of course—that he had come to an erroneous conclusion on this point. No true friend of Ireland or of liberty would desire to do anything that would be unfair and unjust; but if the country were in the condition of a feverish patient, it was the primary duty of a good physician to remove the aggravating causes of her complaint. Passing to the speech of his hon. Friend the Member for Cavan (Mr. Saunderson), he could only say that the remark he (Mr. Dowse) made the other night had reference to what had fallen from the Member for the county of Cork (Mr. M'Carthy Downing), and that it ought to be read in connection with what preceded it. The hon. Member for the county of Cork—and having known him many years ago, long before he had a seat in the House of Commons, he was bound to say that there was no one in whose statements he could place more perfect reliance—pointed out a district many miles in length in his county where all the magistrates except two were Protestants, while the vast majority of the inhabitants were Catholics. Thereupon he stated that he did not regard the condition of the Irish magistracy as wholly satisfactory, and that, though he occupied a seat on the Treasury Bench, he would not on that account state what he did not believe to be the case, for this he was blamed by the hon. Member for Cavan. He did not attach much weight to the censure. If he managed to get through the remainder of his official career with equal success, he should indeed be a lucky man. His hon. Friend the Member for Cavan had said, in the course of his admirable speech, that the condition of Ireland was different from that of Poland. Well, he was not going into that question; but he believed his hon. Friend was wrong in saying that the language of Ireland was never proscribed. Both its language and its religion were proscribed, and, indeed, if they had not been, there would be no Irish question in this year of grace 1870.

Mr. SAUNDERSON explained, that he had said the language was not now proscribed.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, of course it was not proscribed now, because it was extinct. The hon. Member might just as well have said that the animals referred to in the work on *Prehistoric Man* by the hon. Member for Maidstone (Sir John Lubbock)—the dodo or the mammoth—were not proscribed. The hon. Gentleman further proceeded to make a remark about the "redolent vernacular" of one of the occupants of the Treasury Bench.

Mr. SAUNDERSON, interposing, said, his remark was not applied to any

Member of the Government, though, if the cap fitted, he, of course, could not help it.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE): If, at all events, he happened to be the Member of the Treasury Bench whom the cap fitted, he should have remembered his Latin, and should hardly have pronounced his adjectives as his hon. Friend had done, for his ideas of pronunciation seemed to be as eccentric as those of the man who wrote him the threatening letter were with respect to spelling. To return to the Bill before the House, he believed it to be a fair, a just, and a wise measure; but, as an Officer of the Crown who had had a great deal to do with the preparation of the Bill, and who had a certain amount of responsibility with regard to it, he wished to make one or two observations with the view of removing some misconceptions as to the manner in which the Bill dealt with the existing law. The Arms Clauses of former Acts were re-enacted in this Bill, and the punishment for the illegal possession of arms was increased; but that only applied to proclaimed districts. Whiteboy, drill, and other offences connected with arms were the only offences which were placed under summary jurisdiction; and when his hon. Friend the Member for Cavan spoke of the Government as having first condemned the Irish magistrates and then given them higher powers he would remind him, in addition to what he had already said, that the 25th section specially enacted that a resident magistrate should sit with the other justices at the petty sessions. These matters, however, could be discussed in Committee. The Bill, he believed, would be found to be as stringent in its operation as circumstances required. Its provisions would be judiciously administered under the authority of a careful Executive Government and a discreet bench of magistrates, and the result would be that Ireland would be brought to a condition very different from that in which it now was. It would be impossible that those crimes which now prevailed in Ireland could be committed with impunity. Armed bands of marauders who prowled about the country by night would be brought to justice; arms would be sought for wherever there was reason to suspect they might be found; and, besides, those public-houses, which were nothing more than mere dens of infamy, in which the worst enemies of society met together to hatch their plots would be more strictly under the supervision of the Executive than they were at present. That Press, too, which, written as it was with such ability, power, and zeal, did so much to poison the minds of the Irish people against England and English institutions, and against Irish institutions also, would only be able at the risk of the loss of property to sow treason and sedition broadcast through the land; and he believed he might say he had the sanction of his right hon. Friend at the head of the Government when he stated that if the new Act, rigorously and honestly administered, failed to produce that tranquillity which Ireland so much required, the Government would not be slow in coming to Parliament to ask for additional powers. He hoped there would be no necessity for that. He believed that they were entering upon a merciful course for Ireland itself by investing the Government with these additional powers; for the best friends of Ireland must be desirous that the reign of law might be established where terrorism now prevailed. The enemies of Ireland must not be allowed to deliver her over to anarchy and bloodshed, and to force that warm-hearted and noble people into a line of action that could only end in the rejection of everything consecrated by justice and upheld by law.

MR. BAGWELL said, he was sorry that the right hon. Gentleman the Member for North Lancashire (Colonel Wilson-Patten) had left the House, as he should like to give him, from his own personal knowledge, some information about the Ballycohey affair, to which he had referred in the course of his speech. That affair, and the management of it by the late Government, was, in his opinion, the *fons et origo* of all the misfortunes of which Ireland had at the present moment to complain. The Government, instead of consulting the gentry or local authorities, communicated as usual with a stipendiary magistrate or police officer, and, in accordance with the advice given them, withdrew the force which had been sent down. After those transactions the country was illuminated with bonfires, while people, rejoicing, said—"We have shot police, wounded our landlord, shot his bailiff; we have got our land at a rent considerably less than before, the police have been removed from our farms, and here we are perfectly triumphant over law and the Government." That spread like wildfire through the country, and the result had been most disastrous. Now, the right hon. Gentleman, though he objected to some of the provisions of the Bill before the House, said he dared not vote against it. He (Mr. Bagwell), however, though he resided in Tipperary, and in the vicinity of Ballycohey, did not share in the right hon. Gentleman's apprehensions, and he should take an entirely opposite course. He had supported many Bills for the pacification of Ireland, and had had occasion to vote for the suspension of the Habeas Corpus Act, proposed by both parties; but this was a measure which he could not support. The measure, in his opinion, was not really one for the protection of life and property in Ireland, but rather one to prevent honest men from holding their own and defending their properties. It provided that a man must go to a stipendiary magistrate if he wished to have arms, and procure a licence for the purpose. But did anyone imagine that a person wishing to commit a murder in Ireland would not find a weapon to do so, even though it might be a revolver? The fact was, it was the honest man who would not be allowed to carry arms for his own protection. He must add that he did not think the Solicitor General for Ireland had explained the phrase which he had used on a former occasion, with respect to the Irish magistracy, in a very satisfactory manner. The hon. and learned Gentleman said he had only echoed the hon. Member for the county of Cork (Mr. Maguire), and also that the Treasury Bench would not alter his opinions. He did not, indeed, believe, that the hon. and learned Gentleman, because he happened to occupy a seat on the Treasury Bench, had changed his nature; indeed, he could not help thinking that before he reached that haven of rest of Irish patriots—the Irish Bench—the Government would find that it was not easy to muzzle the hon. and learned Gentleman, and the probability was they would hear a good deal from him which they would much rather not hear. It was proposed that the magistrates of Ireland should exercise great powers, and, as a body, they were quite willing to undertake arduous duties, provided the powers conferred upon them were given fairly and generously. But the manner in which these powers were conferred amounted to an insult. They were not allowed to exercise them without the presence of a stipendiary magistrate. He was glad to say, notwithstanding what had fallen from the Chief Secretary for Ireland, who endorsed the opinion of the Solicitor General as to the unsatisfactory state of the Irish magistracy, that in the part of the country in which he lived the very names Protestant and Catholic appeared to have died out—indeed, he heard more about such differences in one night in that House than he hoped to hear in Tipperary for the rest of his life. But be that as it might, it was an insult to such men as the noble Lord the Member for Kerry, who occupied the foremost position in that county, to Sir James O'Connell, who was held in so much honour, and others of high position, that if they met together to administer the law, and the stipendiary magistrate happened to have a cold, or be otherwise indisposed, they would be unable to deal with the prisoners brought before them, and would be left to look like so many fools. It was intended, under the Bill, to require the grand juries to levy a fine, and impose rates for compensation in certain districts, without reference to the ratepayers or the Judge. He did not think a more odious duty could be imposed upon them, and, as an Irish gentleman, he must protest against being being called upon to discharge such functions. If the police of Ireland were properly organized there would be no necessity for such measures as this. But at present they were dressed in such gorgeous uniforms that they forgot that they were police, while their time was mainly occupied in preparing those reports which had such a fascination for gentlemen in office. Not long since he had occasion to suggest to a police officer in Ireland the advisability of pursuing a criminal who had made his escape, and the man replied—"Why, Sir, I should lose my situation if I did not go immediately and write three reports — one to the Government, one to the county inspector, and one to my own officer." He went away to write his report, and the Government never caught the offender. As to the proposed prosecution of the Press, he regretted very much that there should exist in

Ireland a taste for literature which he called extremely pernicious, but the London Press was pernicious too in its way, and more damage was done to morality by prurient reports of cases in Westminster Hall than by the high-flown and absurd language used by the so-called national Press in Ireland. In its proposals respecting the Press the Bill carried one back to the days of 1798. It used then to be said—"Hang a man first and try him afterwards!" and that was what the Government were now going to do in Ireland. They would shut up a newspaper office, seize the plant, and then tell the proprietor to bring an action against them, they having the Consolidated Fund to fall back upon for damages. He would point out a danger which was likely to arise from dealing with the Press in the manner proposed. When the Government seized a newspaper the people would at first miss their daily dose of sedition, but by-and-by the craving for it would die away. When, however, they had become accustomed to the altered state of affairs, the action brought by the proprietor of the paper against the Government would revive all their interest in the matter. He could imagine what difficulty the Government would have in obtaining a verdict upon such an occasion. He did not believe they ever would get a Dublin jury to give them a verdict in acting upon a Bill which was contrary to every principle of right and justice. The utmost the Government could hope for was that the jury would not agree. But would such a result be satisfactory? Why, from Slievenaman to the shores of the Shannon, and from the top of the Galtees to the Devil's Bit, there would be a blaze of light at this failure of the Government. The Government, he feared, were in a sad state. They had been in Office only one year, and were nearly in the position of having not a single adherent among any party in Ireland. Last year they did an act of justice; but did it with such harshness and want of consideration that great numbers of Protestants who otherwise would have been reconciled to the passing of such a Bill, had the most bitter feelings against the Government, and now, if not hostile to the Government, stood with folded arms and said—"Keep the peace if you can!" This Bill, at once so mischievous and so weak, would not bring the Government many adherents; and as to the Land Bill—he might point to the numerous meetings which had recently been held, and to the general sentiment expressed in Ireland, in support of his assertion, that it would prove a total failure. The people looked upon themselves as betrayed, and regarded the Bill as a mockery and a snare. As regarded the present measure, he never voted with a clearer conscience or more deliberately against any Bill than he should give his vote against this.

MR. SYNAN said, that as far as his knowledge of the country went, he must protest against what had been said by the hon. Member for Clonmel (Mr. Bagwell) as to the effect of the Irish Church Bill upon either Protestants or Roman Catholics. The hon. Member's nerves must have been peculiarly sensitive now or last year if he took offence at the manner in which the Bill was passed, especially as the lion's share of the property was retained by the Church. The question before the House was a peculiarly painful one for an Irish Member to address himself to. Such a Member it placed in this difficulty—if he did not oppose the Bill he would be regarded by a certain party on his own side of the Channel as betraying the country; and if he did oppose it he would be regarded by a certain party on this side of the Channel as a friend of anarchy and crime. Under such circumstances of difficulty an Irish Member had to tread the path of duty, and in discharge of that duty he would speak his mind freely and firmly, without regard to any party or any faction, without regard to consequences, and with contempt for any accusations that might be made hereafter. He thought the Government entitled to some credit for resisting the demands of those who desired by the suspension of the Habeas Corpus Act to suspend the Constitution in Ireland; but previously to entering into an analysis of the Bill before the House, he must ask how it happened that a Government, which by the measures it had introduced both last year and in the present had shown itself friendly to Ireland, should find itself in the same difficulty as its predecessors, and under the necessity of bringing in a Bill like the present. The answer to the question was that this was merely the consequence of centuries of misrule

—the Nemesis of retributive justice—the sin of the father falling on the innocent child; and the present Government, though it had initiated a policy of conciliation, could not conciliate Ireland in a day or year. The state of things reminded him of the position of Macbeth, who wished to retract from the course he had entered on, and to retrace his steps, but who said—

> "I am in blood
> Stepp'd in so far, that, should I wade no more,
> Returning were as tedious as go o'er."

So the Government of to-day found itself in difficulty in retracing the steps of an old policy, and in order to pave the way for conciliation found itself under the necessity of having recourse to repressive measures. Nevertheless, the Irish Members, though bound to support a policy of conciliation, were not bound to support a policy of coercion, unless satisfied that the Government, in pursuit of a policy of conciliation, asked for powers within the Constitution; and such powers in such a case he was not prepared to refuse. Therefore, as far as the powers asked for were constitutional he would support them, and as far as they were unconstitutional he would oppose them. The Bill, besides extending the powers given by the Peace Preservation Act, proposed to arm the Government with repressive powers, or, as he called them, unconstitutional powers, for the purpose of striking at the liberty of the Press. With regard to the proposal to repeal the exemption as to game licences, he was not at all aware of its necessity until he read the speech of the Chief Secretary for Ireland. He believed that the persons who generally took out game licences were not dangerous as a class; but as his right hon. Friend's sources of information were very wide, he must give way to his opinion on this point, and as he was neither a Whig nor a Tory he should not oppose the proposition. He had no objection to the repression of the revolver in Ireland, inasmuch as the use of this instrument had a significance in Ireland, borrowed from America. He objected to the powers of searching for arms as being too wide in their range, and he hoped this part of the measure would be considerably modified in Committee. Having made these observations on the first part of the Bill, he would observe that, though the second part, relating to the issue of new proclamations, had excited some hostility on account of the power given to magistrates and to grand juries, yet the magistracy of Ireland, a body of which he was a member, generally discharged their duty honestly and efficiently, and he strongly protested against the calumnious imputations which had been cast upon them. The vice and defect of that body was that it was not representative; it was not from the people or of the people, and had no sympathy with the people. The people, consequently, had no confidence in the body, and did not trust it. That, however, was not the fault of the magistrates. In order to bring about a different state of feeling time was required, and the settlement of the Church question was the first step in the way of producing that result. The Bill proposed to give to the magistrates the power of taxation. He did not object to that, as the proceeding would be an open one, and the public would be witnesses of it. But what he objected to was the power proposed to be conferred on individual magistrates of torturing persons with questions. What the hon. Member for Clonmel had said as to the future position of magistrates being an undignified one under the operation of this Bill might be a tangible objection or not. He would express no opinion upon it. For his own part he would sooner sit, as a magistrate, without a stipendiary magistrate's adjudication. They would have the power of questioning everybody they liked or disliked, and if they had some little pique against anyone, they had the power of sending him to prison if they thought him guilty of contempt. Why, such a power would not be given in this country to the chief Judges in the land! Had these gentlemen the training to fit them for acting as judges—for being above all prejudice, all feeling of animosity towards their neighbours? Had they the training of a procurator-fiscal? This was an attempt to introduce French law in Ireland. It was a perfectly monstrous innovation. It was unconstitutional. No man ought to support it. He was still inclined to say this was a matter for Committee, and if the House of Commons was what it used to be, and what it ought to be, they would not consent to grant such a power to any Ministry. The liberty of the subject would be at an end; there could be no liberty if a magistrate could examine every person he pleased and send him to gaol for contempt; and the gaols would not be large enough to hold all who might be committed. That clause of the Bill must be modified. The grand juries of Ireland, economically, were most cautious in their presentments and in the application and expenditure of public money, but they had the same vice as the magistrates—they were not representative; they were not of the people or from the people; they had not sympathy with the people, and the people had not confidence in them. He could not approve the power which was given to the grand juries of presenting for damages in case of people unfortunately murdered in the present state of Ireland. He would sooner that the power were given to presentment sessions, if that could be done; but they, too, were not representative. He would suggest to his right hon. Friend the Chief Secretary that he should provide in the Bill that notice of these applications should be given before the Assizes. He now came to what he considered the most unconstitutional part of the Bill—that relating to the Press. The Government had been congratulated on not asking for the suspension of the Habeas Corpus Act, but in his opinion they asked for powers still more extensive. If those powers could safely be intrusted to any one they might be to the present Lord Lieutenant of Ireland. By him they would be administered faithfully, cautiously, and honestly. But they ought not to be given to any man. They were unconstitutional powers. They amounted to no less than an abrogation of the liberties of the Irish people. The Irish people regarded that portion of the Bill in this sense. Talk not to him of agrarian crime or Fenianism. Ireland was not all chargeable with agrarian crime—Ireland was not all Fenians; and, though weakly and badly represented, Ireland had still sufficient spirit to resist such a measure. What were the arguments advanced in support of these unconstitutional powers? They were told of the powers which had been exercised to put down immoral books and obscene prints in this country. Everybody knew what an immoral book or obscene print was, but was everybody a judge of sedition or treason? There was no analogy—the argument did not apply. They did not confiscate the printing press which produced the immoral publications; but by this Bill they would confiscate the printing press in Ireland. Then it was said they gave the unfortunate victim a remedy—to come before a jury and prove his innocence. He could not but think that the legal advisers of the Government in Ireland had been consulting the code of Rhadamanthus when they prepared these clauses—

> "Gnossius hæc Rhadamanthus habet durissima regna:
> Castigatque, auditque dolos; subigitque fateri."

They condemned the man without trial; they confiscated his property; they drove him naked into the world or the workhouse, and then they allowed him to come before a jury and seek damages. This was a mockery, an insult that could not for a moment be endured. They confiscated the property of the type-owner or the type-setter; but the real miscreant who wrote the article perhaps altogether escaped. Under these circumstances, he had made up his mind no power on earth should induce him to give his sanction to this part of the Bill. He appealed to the House as the guardians of public liberty and the rights of the Press to protect the liberty of the Press in Ireland. Pitt would not have dared to ask for such a power as this. The Bill would be sufficiently workable if this part were struck out. He appealed to the Government; he appealed to the Prime Minister to pursue his policy of conciliation in Ireland.

LORD CLAUD HAMILTON said, he had been surprized at the jocular tone of the speech of the Solicitor General for Ireland—a speech which might have led a stranger to suppose that the subject before the House was of a frivolous and amusing nature, instead of being one of the most melancholy which could engage public attention. The hon. Gentleman, being himself an Irish Member, and the Legal Adviser to the Crown on Irish matters, had announced to the House and the country that the time had arrived when the Government must ask the House for extra powers, which some people called "coercive," to enable them to maintain public peace in Ireland, and he should rather have shown regret and remorse, or even humiliation, at having to state that the Government had brought Ireland into such a position. Nor was the speech of the hon. Gentleman calculated to afford the House any consolation, because he merely endeavoured to make out that the statements as to the condition of Ireland were somewhat exaggerated, while he did not show in what respect. He told the House that the state of affairs in 1832 was much worse than at present, which was but sorry consolation, even if it made out his case. But it did not prove his argument, for although the hon. Gentleman had quoted the statistics of crime as brought before the Assizes, yet every hon. Member who was acquainted with Ireland knew that the great majority of cases which in 1832 came before the Judges of Assize, were now tried at quarter sessions. No person knew that fact better than the right hon. Gentleman, yet, to meet the convenience of his argument, he did not mention it, while he also forgot to mention that the population was then 1,500,000 greater than at present. The most deplorable feature of Irish crime was the confession of the Judges that it was impossible to obtain either evidence or convictions, and the Bill before the House showed to what an extent that was the case, because it contained special clauses which were directed towards obtaining evidence. In previous years Judges had not had to make such unfortunate confessions, nor was there any such difficulty as now existed of protecting witnesses. There did not then occur cases in which jurymen who were supposed to be ready to give an honest verdict, were mobbed and nearly murdered, nor where Judges of Assize insulted while proceeding from the Court-house; yet, after these things had happened, the Solicitor General asked the House to be guarded against being carried away by exaggerated statements. It was hardly possible to contemplate a more melancholy picture than that afforded by the First Lord of the Treasury, who, last week, in reply to the hon. Member for Mayo (Mr. Moore) respecting an amnesty for the Fenian prisoners, said—

> "Until we are able to see a state of things in Ireland when Her Majesty's peaceable and well-conducted subjects may be enabled to pursue the ordinary avocations of life with that degree of comfort and confidence which is the best test and criterion of a civilized and a Christian country—"

he could not grant the request. That was not the state in which the right hon. Gentleman found Ireland when he took Office, and therefore, while hé (Lord Claud Hamilton) granted that there was a painful necessity for this legislation, he hoped that the Government would endeavour to show how it happened that since they had come into power with an enormous majority, to enable them to carry out any measures they deemed advisable, the country had fallen into such an awfully degraded state. Such an explanation was due to the House before the Government asked for powers which were almost unconstitutional. At present, in a great portion of Ireland the law was openly insulted and defied—a state of things painfully humiliating in a country which was supposed to have free institutions, and said to be owing in some measure to the unguarded expressions which Members of the Government had used. He had heard with surprise that the First Lord of the Treasury now denied having ever used the expression that he would "govern Ireland according to Irish ideas." [Mr. GLADSTONE: Will the noble Lord quote any speech in which I made use of such an expression?] As the right hon. Gentleman had withdrawn it—[Mr. GLADSTONE intimated that he was under no necessity of "withdrawing" the expression which he had never employed.]—well, he could only say that he much regretted that the right hon. Gentleman had, without contradiction, allowed that phrase to be so long imputed to him. It was greatly to be deplored that he had not before this publicly announced that he never made any such suggestion, or intended to convey any such idea, because at many meetings throughout Ireland his supporters had used those words, which they freely attributed to him, and until to-night there had never been any doubt on the subject. Much of the prevalent disorganization in Ireland had arisen from the use of that phrase, and it could not be doubted that in committing the outrages which had recently occurred, the people were only instructing the right hon. Gentleman as to what Irish ideas were. The names of both the right hon. Gentleman and another Member of the Cabinet, whose absence all regretted, had been constantly associated in doggrel rhymes and disgraceful verses as actually encouraging and promoting assassination. He would not read those verses, but merely mentioned the fact in order to show the extreme danger of indulging in declamation, which might be misinterpreted by an acute and active-minded people. Anyone who had read the Charges recently delivered by the Judges in Ireland must be aware of the great number of crimes that were committed; some of them being peculiar to Irish life, such as the digging of graves in grass lands, and placing therein letters to inform tho occupiers that unless they followed a specified appropriation of their occupations they would be shot. After the language which had been used by the Government about governing Ireland according to Irish ideas, perhaps the Irish people thought themselves entitled to inform the Government what the Irish ideas which were to be their future guide in legislation were, and they had endeavoured to enlighten them upon the subject by means of threatening letters indicating how they desired the land to be divided and cultivated. This was a specimen of the great danger of indulging in the species of rhetoric that had been adopted by the Government, which had encouraged the disaffected to believe that their wildest suggestions would be carried into effect. It was not only with reference to agriculture that threatening letters had been received—there was hardly a trade carried on in Ireland in which they had not been received. In one instance, a threatening letter had been sent to a Roman Catholic priest because he had refused to marry certain parties, and in another to a farmer because he had dismissed certain hands, and a third person had received one because he had bought certain potatoes. In fact, this system of interfering in every pursuit of life by means of threats of death had become so extended as to call imperatively for further legislation in order to check it. Finding that the country was reduced to this state of things, he felt that it was his painful duty to support the Government in carrying this measure. In doing so, however, he wished most emphatically to declare that he did not believe that any amount of legislation would have the slightest avail unless there was the determination on the part of the Government fairly, impartially, and firmly to administer the law. It was entirely owing to the apathy of the Government in the administration of the law that Ireland had reached her present degraded position. During the last fourteen months, while Ireland had become a by-word among civilized nations, no word had been dropped by any Member of the Government to show their regret for the evils under which the country laboured, neither had the slightest degree of vigour been exercised in the administration of the law. Newspaper after newspaper devoted to the cause of the Government had called them to task and had denounced their apathy without effect. Magistrates had appealed for aid to enable them to protect life and property, and had been met by the cry—"Pray tell me what I am to do." That was the answer which men pleading for their lives and property had received at the hands of Her Majesty's Government. If their Colleagues were weak, why had not the Government sought out men of greater firmness to discharge the duties they were bound to see performed? Was it not humiliating to see an Executive armed with such enormous power admitting their complete inability to meet the state of things that existed in Ireland, which had arisen in consequence of the endeavour on the part of the Government to gain popularity from the very class who were the main violators of the law? In the words of Mr. Fitzgibbon, who knew Ireland well—"The quiet were despised and ignored, while the seditious and clamorous were favoured and respected." Although the Government were now driven to adopt coercive measures, he was afraid that they still sought to obtain political capital by letting out the Fenian prisoners; and, if so, those who had still hopes of the future prosperity of Ireland would be grievously disappointed.

MR. STACPOOLE, while thanking the First Minister for the Irish Church Act, which he hoped would, in time, have a tranquillizing effect as a great measure of religious equality, yet looked upon all measures of conciliation introduced by the Government as mere temporary nostrums, not calculated to have any permanently beneficial effect. Ireland had all the disadvantages of a pro-Consulate with none of the advantages of a colony. He believed that if Parliament were occasionally to assemble in Dublin to discuss Irish business, if Her Majesty or other members of the Royal family were to visit Ireland more frequently—if the Vice-regal mummery that now existed were abolished, and a palace were built in that country, and members of the Royal family were to reside there a certain portion of the year, disloyalty would speedily die out.

Mr. J. LOWTHER said, he would not put forward any arguments against the Government measure, because he believed that the speeches of the hon. Member for Mayo (Mr. Moore), and of those who had followed him must convince every person that this measure, miserably inadequate and uncalculated though it was to meet the present state of affairs in Ireland, was still a step in the right direction. The speech with which the Chief Secretary for Ireland prefaced the introduction of this Bill must have surprised hon. Members, who must have felt astonishment that Her Majesty's Government, knowing the real state of affairs, had thought it consistent with their duty to delay for so long to apply to Parliament for powers to enable them to preserve life and property in that country. The hon. Member for Mayo had taunted the right hon. Gentleman with having committed a slight slip of the tongue in introducing this measure; but he must confess that when he heard the right hon. Gentleman make that slip he believed he was but too faithfully portraying the uppermost feeling in the minds of Her Majesty's Government. He was not about to charge Her Majesty's Government with having any undue regard for the preservation of property, nor, on the other hand, was he going to charge them with having any criminal disregard for life; but it must be manifest that what had been uppermost in the mind of the right hon. Gentleman and of his Colleagues was the success of his measure for tenant-right, which he placed above the lives of Her Majesty's loyal subjects in Ireland. The Chief Secretary for Ireland represented that the Government had been in receipt of information of that kind day by day and hour by hour, and that at length they thought it their duty to apply to Parliament. He did not wish now to ask why it was only at the eleventh hour that decision had been arrived at. He would merely remark that the circumstance was one which required some explanation. The right hon. Gentleman fixed on the date of what was known as the tragedy of Ballycohey, in 1868, and said crime in Ireland had been increasing in intensity since that occurrence. He ventured to suggest that there was another date, in 1868, which might have been fixed upon with quite as much accuracy. He alluded to the date at which the right hon. Gentleman now at the head of the Government introduced the Suspensory Bill for dealing with the Irish Church. From the statistics quoted by the Chief Secretary, it would be found that crime had increased in Ireland from the time of the introduction of that measure, in which was for the first time embodied the great policy whereby Her Majesty's present Advisers undertook to establish security of life in Ireland through the abrogation of security of property in that country. The Chief Secretary for Ireland had said that among the causes of the present unhappy condition of Ireland were Fenianism and the spirit of what was called "nationality." If the Fenians, or any other parties connected with treasonable organization in Ireland, were asked to quote authorities for the principles they advocated, he thought they could find words more eloquent than any they could use in speeches of hon. Gentlemen very high in the confidence of the present Government; and if they wished to save themselves the trouble of hunting up the works of Vattel or other ancient writings, they might point to despatches which, under a former Government, about the period of the fall of the leaf, emanated annually from the Foreign Office and bore the signature of the noble Earl (Earl Russell) till lately the head of the Liberal party. During the present century there had scarcely been propounded any scheme, whether practical or chimerical, having for its object the disintegration of a foreign State or the dismemberment of even our oldest and most trusty allies, which had not been warmly applauded by the party opposite. Those who had so loudly proclaimed Italy for the Italians, Hungary for the Hungarians, Poland for the Poles, could ill afford to complain if unprincipled agitators at either side of the Atlantic now raised the kindred cry of "Ireland for the Irish." Now, though it was scarcely the function of independent Members to suggest a policy, he might, perhaps, be expected to say what he would do with Ireland, as he had taken the liberty to criticize the policy of the other side. Church Bills, Land Bills, and Coercion Bills had been tried and found wanting. One remedy had been partially tried, and as far as the trial went he believed it had been eminently successful. He asked the right hon. Gentleman at the head of the Government to look to the boundless territories across the ocean and, in the language of those who inhabited them, "to their illimitable resources." He believed his hon. Friend the Member for Lincolnshire (Mr. Chaplin) was right when he said that the curse of Ireland was the wretched system of small holdings. What was wanted was some statesmanlike scheme which would float this seething mass of pauperism, ruffianism, and crime thousands of miles from her shores. [*Laughter.*] There was not a single Member who laughed but knew that that was what was wanted in Ireland; and any statesman who should frame a measure to effect that object would entitle himself to more than ephemeral applause. He would earn the gratitude of the nation.

MR. MAGUIRE said, he found it impossible to allow the Motion for the second reading to go to a division without making a few remarks. Bad as was the scheme of the Government, he preferred it to that shadowed forth by the hon. Member who last addressed the House. That hon. Member thought that what the statesman had to do in the case of Ireland was to get rid of Irish pauperism, ruffianism, and crime, by sending it a thousand miles away. [Mr. J. LOWTHER: Several thousands.] He presumed that the hon. Member himself was an ambitious statesman in embryo; and he would ask him to deal with Irish pauperism in the first instance, leaving the ruffianism and crime for another occasion. But coming to the question before the House, he was one of those who felt that he must go into the Lobby against it. Up to a certain extent it was right to strengthen the hands of the Government, for the maintenance of law and order; but there were in this Bill principles so vicious that they overshadowed the better part of it, and, therefore, he felt bound to vote against it, not with the hope of defeating it, but as a protest against those principles. If the Government had brought in a Bill less severe and better suited to the real emergency, though he might deplore the necessity for it, he should not have offered it any opposition. Let the House descend from the region of imagination to that of sober sense. One of the most estimable men on the front Opposition Bench (Colonel Wilson-Patten), who for a time had filled the office of Chief Secretary for Ireland, and for whom he had a profound respect, had indulged in exaggerations which, coming from such a source, he greatly deplored. He represented the city of Cork, and he was acquainted with the counties of Cork, Kerry, Clare, and Waterford, which, taken together, formed a large portion of Ireland. Did the state of things in those counties resemble that which existed in France under the Reign of Terror?

COLONEL WILSON-PATTEN: I did not say so; I spoke of certain districts.

MR. MAGUIRE said, he could not but think that the right hon. Gentleman's statements exaggerated the real facts. In neither Cork nor Kerry was there any crime save the ordinary crime that was to be found in any county, and, comparatively, there was no crime in the city of Cork. Certainly, in the large portion of the country to which he was referring, he could see no reason for the extraordinary powers which this Bill would confer on the Executive. He would give the House one single fact to show how far the spirit of exaggeration went, and how the people of England were, to a large extent, led astray by the accounts they heard from Ireland. Not far from his own city several incendiary fires occurred in the same year, or in parts of two years, and sensational paragraphs were at once sent to all the leading London papers about the fearful state of things in the county of Cork, and the insurrectionary spirit of the population. Now he regretted to say that property to the amount of nearly £4,000 was destroyed by those fires; but it was one man that did the mischief—namely, an ill-conditioned and half-witted member of a family who had been sent to America, and who came back and out of revenge burnt the property of his own relatives. Yet that was telegraphed to London as giving an indication of the alarming state of things in Ireland. He could mention a number of other incidents which had been as grossly and in some cases wilfully exaggerated. Let the House take care, then, not to legislate in a panic; for no such state of things existed in Ireland as that depicted by the right hon. Gentleman. He admitted that there was no exaggerating murder; and they must all wish to see the murderer brought to justice. But even on that point he had to make a complaint both against the late and the present Government. The Chief Secretary the other night said the Government were about to infuse a certain proportion of the detective element into the Irish Constabulary force. Now that had been suggested over and over again to successive Governments, but up to the present moment it had not been adopted. The constitution of the Constabulary must be changed to a great extent from that of a military to that of a police force before it could be made effective in bringing home crime to the perpetrator. Everybody knew that a man belted up in uniform, and with a rifle and a bayonet, was not fit to track the scent of blood and hunt down the assassin. He was quite willing to give the Government any powers to discover and bring to punishment the writers of threatening letters. In speaking of that species of crime—one of the most cowardly and wicked of which a man could be convicted—an hon. Gentleman (Mr. Callan) had that night inadvertently seemed to make a very unjust charge against one of the most meritorious bodies of men, the National School teachers of Ireland. In that body, as in all others, there might be a few bad men, but surely the whole class ought not to be condemned on that account. The last instance of a person being found guilty of sending a threatening letter was not the case of a National School teacher, but that of a bailiff on the property; and he was glad to say the man was punished by penal servitude for five years. Men had been known to send threatening letters to themselves where they wished to obtain credit with their employers or bring other persons into discredit. As to the selling of arms and gunpowder, he cordially approved discouraging the practice of carrying arms, which was unsuitable to a civilized country; and he believed that the man who went about with a revolver in his pocket was likely to use it on the first temptation. He objected to that part of the Bill which conferred such vast powers on the magistrates. As a class, the magistracy of Ireland were most worthy and respectable; but before it was intrusted with the power given by that Bill it ought to be reconstituted and liberalized, so as to make it thoroughly representative of both religions and both parties in the country. There was not that confidence in the impartiality of the tribunal which those who had to administer the law ought to command; and the mere presence of a stipendiary magistrate was not sufficient to secure that object. No doubt many of the stipendiary magistrates were men of great good sense, prudence, and discretion; but it would be too much to say they were all remarkable for those qualities. He now came to another important part of the measure. He had now been connected with journalism in Ireland for nearly thirty years, and he had little fear that if he still continued in the same position he would come under the operations of that Bill. But he had to consider how far its provisions would interfere with the liberty of the Press in that country; and whether, as a Member of the House of Commons, he could vote for a Bill which struck a blow against the liberty of the Press such as had not been struck even in France against that institution. Having himself read the *Rappel*, the *Marseillaise*, and other violent Parisian journals, he thought the quotations given by the Solicitor General for Ireland were mere milk and water compared with what he had seen in those French papers. M. Rochefort was prosecuted and was now in gaol; but his paper still existed, and was sold in the streets of Paris. Before the French Government would exercise the tremendous power which the House of Commons was asked to commit to a very few men in Dublin Castle, one, two, and even three *avertissements* were given to the offending journal. He maintained that by the 27th clause of the Bill the Government were creating a new crime in Ireland, and he challenged the Solicitor General to disprove that assertion. That clause contained these words—

> "Where any newpaper printed in Ireland contains any treasonable or seditious engraving, matter, or expressions, or any incitements to the committing of any felony, or any engraving, matter, or expressions having a tendency to foster, encourage, or propagate treason or sedition, &c."

"Foster or encourage sedition!" Why, there was not a man in that House, who, in the advocacy of a great question, might not come under that new law. That might be a matter of life and death to a large number of the people in Ireland; and if they were to give the Government that tremendous sword and axe, let it be done deliberately and after argument. How would the clause work? He supposed it was aimed mainly at certain papers in Dublin. Well, one of those papers might come out in the morning with a bitter and virulent attack upon the Solicitor General or some of his Colleagues, or, perhaps, with an engraving that did not do justice to his personal attractions. Perhaps it was a group, and the letterpress was about as violent as the other was grotesque. Well, who were the Executive in Ireland? Now, putting altogether aside the amiable and kindly nobleman (Earl Spencer), who, he ventured to say, would wish always to administer the law in a spirit of mercy and kindness, and taking the active men in Dublin, there was the Chief Secretary—but his duty, perhaps, might keep him in London; there was the Attorney General, if he were at home; there was the Solicitor General, if he could be spared from that House, and there was the Under Secretary. That was the bureau in Ireland—clever men, but he would be sorry to give them the power, upon reading an article or seeing a pictorial representation, of ordering a commissary of police to enter an office, scatter the type, smash the machinery, and ruin everybody connected with the office. That decision might be arrived at about ten o'clock in the morning, when they came in heated after seeing this horrible production. Before the sun set the establishment might be seized, and ruin brought upon those connected with it. What was the redress? It was said—"You have your action." That any man like the Solicitor General for Ireland could rise and gravely say to those across the Channel who might be affected by this tremendous clause—"You have your action," showed a power of face that he could hardly have expected. But let them follow the proprietor of the newspaper. Let him seek to recover damages from the Government. What jury would he have? A special jury—that very class which viewed with morbid horror, not merely treason and sedition, but whatever they believed had a tendency to treason and sedition. Suppose that man asked for redress from that jury. If they were twelve men "of the right sort" they would go for the Government, and that would be utter ruin. If there was only one man for the Government, as the hon. and learned Gentleman had said, why, the unfortunate man that sought redress would be equally ruined. But was that all? Had hon. Gentlemen seen the 31st clause? Why, according to that clause, forfeiture was to be only in addition to other penalties. That was the way they were going to maintain the liberty of the Press in Ireland. He maintained the law was strong enough. Let the Government, let the Solicitor General prove that the law had failed, and failed signally, and then he (Mr. Maguire) might alter his opinion. But taking the very last case, in which Mr. Pigott and Mr. Sullivan were defendants, did the law fail then? Nothing of the kind. A jury were found to convict them. He knew one of the reasons why the late Government were induced to give them their freedom was that the Earl of Mayo found that from the difference between the prisons in England and Ireland, the punishment for misdemeanour was much more severe in Ireland. But he denied that the law was insufficient. The Judges of the land would be more severe if necessary; but let not the Government pass a Bill which struck not only at the liberty of the Press, but at the very life of a nation. He took his stand against that clause, and because of its existence in the Bill he must go into the Lobby against it. There was another point of great consequence which had been alluded to before in the course of the debate. There was a Report of a Committee recommending the division of the county rate between the landlord and tenant, and the altering of the constitution of the presentment sessions body, so that there might be an equal representation of ratepayers and magistracy, and that the latter might not swamp the former. So jealous was that Committee where the proposal was merely to tax a certain portion of the community. But now the House was asked to intrust to the grand juries of Ireland the most invidious and obnoxious power they could possibly have. Now, much as he wished to guard against confiding too much in the Government, he would rather see it left to the Lord Lieutenant to impose taxation upon a district than to a body who were naturally suspected—the very body who had called for this Bill, and who had done their best to excite in this country extraordinary alarm. But his chief objection to the Bill was that it went beyond the necessities of the occasion, for there was great exaggeration as to the condition of Ireland; and the ordinary powers of the law, exercised in combination with some additional powers placed in the hands of the Government, would be quite sufficient for the restoration of law and order. The reorganization of the constabulary force would give great additional powers; while a too severe law would defeat its own object. The Bill violated the liberty of the Press in an important manner; and as the precedent of to-day might be the justification of a worse measure to-morrow, he would say to English Gentlemen—"Take care how you sanction a bad example, because if to-day, in order to put down treason or sedition, or the fostering of treason or sedition, you place a bad law on the statute book, you may to-morrow find a dangerous power turned against the freedom of this country." On this ground, if on no other, he would oppose the Bill, and he regretted above all that it should have proceeded from a Liberal Government.

Dr. BALL: I rise, Sir, to give my cordial support to the Bill now before the House. It is stringent, it is severe, and it is framed, in my judgment, so as to be efficacious for the repression of crime; and it is because it is stringent, because it is severe, because it is so framed as to be efficacious that I support it. The Bill adopts and reproduces various clauses and provisions of previous Coercion Bills, and adds to and supplements them with new and important provisions. It is a singular fact that, though this Bill has been under discussion this entire evening, no person has entered into any examination of its effect, of its provisions, of what is new in them, or what is taken from former measures. Now, I am not prepared to give my assent and my support to the Bill without pointing out what its effect is, and why it is that I so much approve its provisions. I shall not allude to those provisions which, having been contained in former Bills and having been applied to Ireland, hon. Gentleman may be supposed to have some familiarity and acquaintance with; but I shall refer to the new provisions which appear eminently calculated to meet the present evil. In the first place, I approve the power which is given here to search in proclaimed districts for documents in the handwriting of persons suspected of having written threatening letters. I regard this system of threatening letters as one of the clearest manifestations that there is an evil spirit abroad in the community. I regard the multitude of them as an evident proof that there is a widespread organization for the purpose of terrorism, and I say that the Government would be wanting in its duty if it had not introduced some provision — I care not how coercive — which would effectually deal with a system which strikes at the root of social life and the happiness of families; and by creating suspicion and apprehension and terror is worse than the worst blow that any Government could inflict. The second provision of the Bill which I highly approve, and which I also believe to be new, is a power in districts specially proclaimed to arrest persons found out at night under suspicious circumstances. Far from my joining in the suggestion that such a power should not be vested in the magistrates, it is because that power is vested in them that I approve it; because by vesting it in the magistrates you enable the action of justice to be prompt, to be efficient, and to be decisive. On the other hand, if you had introduced the whole machinery of reference to others, and a long train of correspondence with Dublin Castle—that central source of authority in Ireland, which, by assuming to itself the entire authority and government of the country, has paralyzed the action of a magistracy equal, I would say, to that of England—you would have gone far to defeat the object you have in view. I say, then, I do approve this provision, because it tends to restore the rapid and effective administration of justice by an independent local magistracy. The third power in this Bill, which I believe to be new, is a power to arrest strangers in districts specially proclaimed. A large part of the present disturbance of Ireland is due to foreigners from America coming there with the design of seducing from their allegiance to the Sovereign of this country the unfortunate people who are their dupes. I highly approve a provision which, without requiring the circuitous plan of instituting legal proceedings through the Law Officers of the Crown, enables the magistrates to force these persons to disclose their real business, and to commit them to prison in case of the answer being unsatisfactory. Now, the fourth power, which I highly approve, is also new. It is the summary power given to magistrates in certain offences against this Act to decide at once and inflict immediate punishment. Rapidity and certainty of punishment are of immeasurably more consequence than the extent or amount of the powers conferred. Then, again, it is essential for the peace and welfare of society that a check should be placed upon offences before they develop into great crime, while it is at the same time a mercy to the man concerned that, before he has had time to proceed far in his career of guilt, he should be arrested, and restrained. The fifth provision of this Bill, which I highly approve, contains summary powers for the change of venue, and, without that provision, any Bill of this kind would be nothing but a mockery. There have been laid before this House statistics of crime in Ireland; but to my mind there is no more convincing proof of the necessity for the new provisions of this Bill, and especially that facilitating a charge of venue, than the affidavits made upon oath in Barrett's case, affidavits upon which the venue was changed by the Queen's Bench in Ireland. Those affidavits, sworn by highly trustworthy persons, showed that there existed in the county of Galway a conspiracy to intimidate the juries from discharging their duties; that this conspiracy pervaded the whole county; and that it had gained such extent and influence that the Crown could not proceed to the trial safely in that great county. I regard these statements, and the fact that they were acted on by the Court, as a most important testimony to the wisdom of the course adopted by the Government in this Bill. The next clause of the Bill to which I refer is one that has been made the subject of much comment. It is the power of seizing a newspaper guilty of publishing treasonable articles. No power is more indispensable. Why, what was the position of the Executive Government in Ireland when the Fenian conspiracy first broke out? It did not possess this power. It was called upon with inadequate weapons to cope with a gigantic conspiracy supported by foreign money, by foreign agencies, and by foreign assistance. Fortunately, the Earl of Kimberley was at that time at the head of the Irish Government, a nobleman whose executive abilities have not received sufficient acknowledgment, and who, with vast administrative power, combined great courage. He waited for no Bill. He did not delay the stroke for one single hour. Without any clause or powers of this kind to protect him, he suppressed the rebellious paper, the *Irishman*, and took possession of the house and property, thereby gaining information and the secrets of the conspiracy; for out of that place were taken documents in which the men engaged in it were afterwards found guilty and punished. With this experience before you, and with the knowledge that at such an emergency and at such a crisis, it is necessary to resort without law to the very measures contemplated in this Bill, can you refuse the Executive the protection and assistance which this clause affords? I disagree altogether, too, from the doctrine that the existing law is adequate to cope with seditious and treasonable writing. What is the result of a prosecution under the present law? The proprietor of a journal is fined and imprisoned; but this, unfortunately, only increases his influence and the sympathy felt for him, while there are others to write. In a case in which I was engaged of this nature, the paper which was the subject of the prosecution never displayed more animosity towards the British connection than it did after the trial and conviction, and the sale of the paper was increased by the prosecution. Proceedings of that nature do not go to the root of the mischief. There is only one way of meeting it, and that is the mode provided by this Bill—extinction of the power of printing, and reproducing this poison throughout the community. I now come to the 7th clause, which, as far as I know, is new; it is a great boon, and I only regret that it is not permanent. I refer to the power of apprehending absconding witnesses. Everyone engaged in the administration of criminal justice in Ireland must be aware of the difficulty, first of obtaining your witness, and then of retaining him. I know that in one most important case in which I was engaged, the administration of justice was defeated, and the trial was prevented by the absconding of one of the witnesses the day before the trial. I wish that this provision had taken a permanent form, in order to meet the general tendency of the people of Ireland to evade the obligation which lies upon every right-minded man to do what he can for the purpose of punishing offenders, and thereby preventing crime. There is an 8th clause in this Bill which is also new, and it is one which I confess ought, in my opinion, as well as the last, to be made permanent—that is the clause which provides compensation for the families of persons deprived of life by the hand of an assassin. I do not see any reason why that clause should be temporary. You now throw the obligation of maintaining the peace of a district upon the neighbourhood where the crime has been committed, and what can be the objection to demanding recompense for the family of the sufferer from those whose connivance or unwillingness to discover the offender rendered the crime possible? The clause is framed so as to impose the taxation upon houses, and not upon land; and this will have the effect of placing a most deserved punishment upon those persons who, either by their previous assistance or subsequent connivance, must, to a certain extent, be regarded as parties to the commission of the crime itself. I say, therefore, that the Bill contains several valuable new clauses. Criticisms have been made upon the absence of particular provisions in this Bill. My hon. Friend the Member for Londonderry (Sir Frederick W. Heygate) rose immediately at the close of the speech of the right hon. Gentleman the Chief Secretary, and was pleased to say that the absence of any clause providing for the suspension of the Habeas Corpus Act was a subject of congratulation. My hon. Friend the Member for Donegal (Mr. Conolly), however, rose afterwards, and not only demanded the introduction of such a clause, but appeared to think that the Bill was weak and impotent without it. On the question as to the propriety of inserting such a clause, I am not, however, disposed to take the opinion of any private Members. The power of suspending the Habeas Corpus Act is, undoubtedly, a power which is indispensable if you have to deal with rebellion, insurrection, or perhaps extensive organization of any kind. But it is not a provision suitable for crime. A prisoner arrested under the suspension of the Habeas Corpus Act is not a criminal. The suspension of the Habeas Corpus Act is a measure of caution and foresight; it is not a punitive measure. The parties arrested under it cannot be viewed or treated as criminals, for when arrested they are not charged with any crime. A warrant of arrest is issued by the Lord Lieutenant, and no Habeas Corpus writ can be granted to remove the party; but no guilt is attached to him, as there is no trial or condemnation. That is not the way in which you should deal with crime, or even with suspected agrarian crime. And, further, I say I am not disposed to join in any censure for the absence of such a provision, for the additional reason that no private Member can judge what is the state of Ireland and what measures are proper to meet political and insurrectionary organization; while in the hands of the Executive Government there is a vast mass of information as to the state and condition of the country which is unknown to the community at large. It is because I know that, and because I feel convinced that those who brought in this Bill would, if they had deemed it necessary, have also introduced a clause suspending the Habeas Corpus Act, that I, for my part, am satisfied with its omission from the Bill. Again, it has been said that this Bill ought to contain something more with regard to juries. My reason for not objecting to that omission is that this Bill is a temporary Bill, and if you deal with the jury system you should deal with it permanently. As connected with the constitution of one of the tribunals engrafted into our very institutions, exceptional legislation is objectionable. If the system is faulty, improve it; if there are alterations demanded, let them be the result of a calm and deliberate examination of all the views of those who are competent to judge and to decide upon such a subject. But, for my part, I own that as to the proposition to give the decision to a majority of the jury, I entertain considerable doubt. I doubt it because there is the recommendation of the Royal Commission, containing great names, great wisdom, and great judgment, in which stress is laid upon unanimity; I doubt it because I have myself heard the very able and wise Judges express their opinion against the system of giving the decision to the majority; and I doubt it because I believe that the appearance of dissent within the jury, when exhibited to the world, would weaken the force and final result of the verdict. For what is most satistory in trial by jury, what makes every man acquiesce in its decision, is that, whether right or wrong, and without being obliged to furnish reasons, there is, at least, presented to the public the strength which lies in unanimity. Therefore I am not prepared myself to advocate such a measure. Then, as to improvement in the mode in which the panel is to be arrayed and arranged, that appears also to be a subject demanding permanent legislation, and not, therefore, to be treated in this Bill. But I say at once that in my opinion there ought to be the means of selecting first, and then of coercing the attendance of persons of the highest station and of the greatest education in the country, for the discharge of these duties. Having said so much as to the Bill, I shall add one other expression as to the way in which we ought to administer it. We ought to give, and I shall give, my cordial support to the Executive Government, and to the Law Officers of the Government, in every way that we can, whenever and wherever they put this Bill in force. We ought to indulge in no narrow criticism; we ought to strengthen their hands and give them confidence and support in putting into execution, in a country in the state that Ireland now is, every one of these provisions, however stringent and however searching. I now leave the provisions of the Bill, but I cannot leave the consideration of topics connected with the introduction of this Bill, which must press upon the mind of every man connected with Ireland. In one of his speeches, either in 1846, when introducing the Coercion Bill, or in 1847, when supporting the introduction of a similar Bill by Lord Morpeth, Sir Robert Peel stated that Coercion Bills, or Bills to protect life and property, for Ireland, had, previous to that date, been introduced fifteen times, and uniformly success had followed their operation. I regret to say that without these Bills I believe it is impossible to cope with crime in Ireland. My experience is that the crime of Ireland lies among and is perpetrated by a class to whom the legislative measures on which you so much rely, never reach. I have not seen farmers, or farmers' sons—persons in a comfortable and respectable class of life—arraigned as criminals; I have found crime in a grade below them. And this is not all. I do not agree with the pictures that are drawn upon this subject occasionally on both sides of the House, so far as the extent to which it is alleged agrarian crime prevails. Crimes in Ireland which are connected with personal violence will be found to exist chiefly and mainly in particular districts—in Tipperary, Westmeath, Meath, on the borders of the Shannon, the borders of the King's County, and in the King's County. [An hon. Member: No.] That part of the King's County which borders on Westmeath has as many crimes as the others; I know it, for it was on my circuit. I say, then, that crime exists in an inferior class, and that it is not universal, but localized; and, further, I will state that I believe there is no period of their history when these counties have been free from crimes; and that there is in these districts a race with whom you can avail nothing by any measures except measures of repression. And, therefore, I believe it has happened that these Bills, being put in operation in these places, have, as Sir Robert Peel stated, been successful in every instance. And here I must take the opportunity of justifying my right hon. Friend the late Chief Secretary for Ireland (Colonel Wilson-Patten), from some observations of the hon. Member for the city of Cork. My right hon. Friend did not apply what he said to the entire of Ireland, and he had no idea of including the county of Cork, which, although it is a county that I will not speak of very highly as regards its political views or its insurrectionary proceedings, is certainly not a county that deserves to be reproached with crimes of an agrarian character. My right hon. Friend never meant to allude to the county of Cork; but he had in mind the districts with which every Government in succession has had to cope, and he was speaking only of them. The truth is, in these particular districts it is impossible not to see that they deserve the description given of a part of Limerick in his Charge to the grand jury of the county of Limerick by a Roman Catholic Judge (Judge Fitzgerald), distinguished by his great ability and singular impartiality and calmness, that there is in them a low state of civilization. The peasantry are, in these particular districts, not the peasantry of the North, not the peasantry of Wexford, not the peasantry of Carlow, but a different race, in a low state of civilization, and must be operated upon, as they have always been, by a law thoroughly, and effectively administered. You must protect life before you can enable men to live well, and without that protection you will in vain try what are called your remedial measures. The remedial measures are time enough when you have reduced society into a proper and orderly state. But I go further, and say that it is a great mistake to connect a Bill of this character with measures which you avowedly put forward as political, or, as you are pleased to call them yourselves, remedial. I support this Bill, not because it is the supplement or the complement to any other Bill, but because it is right in itself and imperatively demanded. I have supported and shall support many of the clauses of your Land Bill; but I support them, not by way of compensation for this Bill, but because they are right in themselves. I say that the boundaries which divide the legislative and executive departments should be kept distinct; it is a fatal error to confuse and intermingle them. If, at the same moment that you are declaring your determination to deal sternly with crime, you accompany that declaration with a statement that you cannot proceed against it until you have first redressed something that appears to you to need redressing, what is the effect? I say that you confuse the boundary between crime and matter of opinion. Crime is crime—

> " — a monster of such hideous mien,
> As to be hated needs but to be seen."

But do you not take away the effect of this when you begin to argue with men —when you say to them in effect—" You might have been justified in what you were doing last year, but you are not justified this year; we have offered you measures to conciliate and harmonize all classes, what excuse have you now for acts of violence ?" I say that when you proceed with that line of argument you go far to efface from the minds of the men to whom the argument is addressed the true and honest teaching on the subject that nothing—nothing whatsoever—can justify murder. The two things, I repeat should be kept distinct. It should be distinctly understood that there is no paltering with and no palliation for violations of the law. And the objection, and the only objection, which I make in connection with the Bill is this—it should have been brought in independent of, and should have been brought in before, the Land Bill. It should have been placed on the table by the Government as the cardinal and essential measure. A Bill of this kind was never so much demanded as at present. Allusion was made by the Chief Secretary for Ireland to the crime existing in that country in 1832, when Earl Grey was in power. In 1833, Lord Grey's Government brought in a Bill for the pacification of Ireland. No doubt the circumstances then were special in their character—the numerical statistics of crime at that period were larger than at present. But is there no alteration in the circumstances of the country ? In 1832 Ireland was overpeopled, with a pauper population living in huts, and feeding on potatoes and a little milk; they were in the lowest condition consistent with human existence, as anyone may have proof, who reads O'Connell's evidence before the Royal Commission. The population numbered nearly 3,000,000 more than at present. The farming classes are now absolutely wealthy, having sums of money in the bank, and the labouring classes are fairly comfortable. If you take into account the diminished population, the increased comfort, and the independence of the people, the present state of affairs is more alarming than it was in 1832. I say it is more alarming because there is less in the material circumstances of the country to suggest the possibility of men embarking in such rash and infatuated courses. I say the population is less, the comfort greater, and the crime relatively equal. In 1832 you had the most prodigious political organization ever raised against the Government. At its head you had the great tribune of the people—O'Connell—surrounded by men not his equals, but approaching him; you had the agitation for the repeal of the Union adopted by men of that stamp, and what have you face to face with you now? Pigmies! Yes, it is the misfortune of the present day that the whole country is stirred by political or social agitation, and there is not a man of note or mark at the head of it; it makes the matter the more alarming that in an agitation not adequately represented by leaders of ability, and with an organization far inferior to that which previously existed, the country should have been brought to its present state of confusion. The numbers stated by the Chief Secretary for Ireland, even if you do not enter into comparison, are, it is obvious, sufficiently alarming. Upwards of 700 cases in the year, and of these the greater part accumulating in the last months of the year; the progressive increase of crime, the increased audacity as regards crime; two only of these great offences brought to trial—and in one of these the prisoner is acquitted, and in the other the jury is twice discharged unable to agree. And what are the crimes? Can anyone hear without considerable emotion what these crimes are? Let us take the case of Mr. Nicholson. That gentleman, accompanied by a lady, proceeds to visit a neighbour, and, returning home, he is shot at. He escapes, but the lady is wounded. Why, it was perfectly well known that lady accompanied Mr. Nicholson, and those who fired at him knew they might have taken the life of a woman. In another case, an unmarried lady, who possesses property, and is resident in the country, is shot at through her window, with the very design of assassinating or wounding her. Is it any wonder that Chief Justice Monahan should have spoken with the indignation he did at Trim. "There was a time," exclaimed that able Judge, "when the fact of being a woman would have been a sufficient protection for her to any man in Ireland?" Look, again, at the character of the crime. It is interference not arising from or connected with the tenure of land. Look at the case of Brett—Mr. Brett, the surveyor in the county of Limerick. He had nothing to do with the land; he was neither tenant nor landlord; he was an officer discharging his duty as acting surveyor; but shots are fired into his house, and he is wounded. For what? Not for anything connected with the land, but, as was believed, because he had disapproved before the grand jury some account connected with the roads. Look, then, at Walsh; he is no tenant and no landlord; he aids the development of the industry of the country; he exports eggs to England, and introduces to that barbarous district where he lived a profitable speculation. [*Laughter.*] That is the truth. He is shot dead; and, from that hour to this, not a trace of the murderers has been found. Take a third case — that of the station-master at Mullingar. The railway company has an official in its employment, in whom it places the greatest confidence, and the official is highly esteemed on all hands; no one has breathed a word against him; he has nothing to do with the land, yet he was actually murdered. I say these three instances which I select — and I select them because they are remarkable and likely to strike the mind — indicate the motive of most of the crimes which have been perpetrated; and that motive is to establish in the country a reign of terror. The object is, by occasional acts of daring magnitude and appalling criminality, by habitual perpetration of smaller crimes, by reckless violence, by unscrupulous menace, to intimidate and affright all those who respect life and property, and are anxious for the social welfare of the country. I have no hesitation in saying that civil war would have been infinitely better than this. In civil war you at least know your adversary; but what have you here? Murder, creeping from its lair, and striking with none to prevent, none to detect. Crime, unappalled and unabashed, confronting the puny efforts of your Executive to crush it, and—relying confidently on the sympathy of affrighted jurors — audacious in the dock before the very tribunal appointed for its punishment. A Government that did not grapple with such a state of things would not deserve the name of a Government. Not only is it time for Government to interfere, but I say it was time long since for Government to interfere. I admit there are great difficulties in the way of the Executive in Ireland; I admit it is not easy to cope with a system with which the people appear so far to sympathize that they neither give evidence nor afford the means of discovery; I admit that—but difficulty does not excuse from the obligation of meeting it, and meeting it so as to extinguish it. I say it is wiser to meet the case at the commencement, and not to dally with it until the infection has spread and infused itself into large districts before untouched. Where was this spirit of outrage at the commencement? Confined to a small district; now, I find by the last accounts, it has even spread to a county which, up to this time, has been one of the most peaceful in Ireland—the county of Mayo. That county is now covered from one end to the other with outrages and burnings. I see in Baron Deasy's Charge that while the very Judges were in the town of Castlebar these crimes were committed openly, ostentatiously, and defiantly. Why does it spread? Why does it infect districts before peaceful? Because it has not been crushed when it first broke out. I make no charge against the Executive Government in Ireland; I admit the Executive has done its best with the existing machinery. What I complain of is, that the existing machinery having proved inadequate the more perfect machinery we have here was not introduced long before. The Solicitor General for Ireland, in speaking on the introduction of the Bill, stated—significantly alluding to the right hon. Member for Buckinghamshire—that what Ireland demanded was a strong Executive. The speech of the right hon. Gentleman (Mr. Disraeli) in which that expression occurred has been often cited; it has been cited with disapprobation, but I confess I give my cordial assent to every line of it. It saw much and it foresaw much, and if there is one truth in it more certain than another it is that the state of Ireland does demand a strong Executive. I was happy to hear this sentiment adopted upon the Treasury Bench; but what do you mean by a strong Executive? Do you mean strong in police and military force, equipped with all the discipline and pomp and circumstance of armed battle? Do you mean strong in supplementing that armed force with cohorts of spies, informers, and agents pervading the whole of society? These powers I am willing to give, and these you are taking; but if you imagine that they, or even greater powers, will create a strong Executive, you are mistaken. You may have all these powers, and be at the same time a weak Executive. This is but the machinery; the strength of an Executive is in the men who compose it. What constitutes a strong Executive? Justice, inflexible justice, impartiality, and disdain of low ends and mean objects. With these qualifications you may be a strong Executive, and the machinery placed in your hands may be rendered efficacious for the repression of crime and the improvement of the country. But, Sir, it is idle to speak of a strong Executive which rests solely on force and fear, and which has not the assent and support of those classes which form the strength of a community. You cannot be strong if you are isolated and alone. There are forces, influences, and powers which in civil polity are the natural allies of Government. These are the education and the social eminence of the country; the wisdom and the judgment which come, as the wise man says, by opportunity of leisure. You cannot be strong if you alienate and repel these from you. The first requisite for a strong and effective Government is the cordial sympathy, support, and co-operation of every man who is its natural ally by property, by education, and by an enlarged and enlightened view of public affairs. In the absence of such co-operation, you may have all the machinery of law, and you may be armed with all the means of putting in force the administration of justice, but you will fail. Nor will mere strength suffice. You must import into its exercise some of that generous spirit which characterized my noble Friend the present Governor General of India (the Earl of Mayo), when he said in this House—"I desire equality, but I desire to attain it not by confiscating and degrading, but by elevating and restoring." You must abjure the spirit which refuses to deal with the just demands of every class and every creed. You must adopt towards all a generous, an impartial, and a just system of government, not divorcing yourselves wholly and utterly from the natural alliance which Government ought to form with those agents of virtue, the ministers of religion; for if you deprive your selves of the support which you may obtain from such an alliance, what powers do you reserve to yourselves save force and fear? Sir, it has been said by a writer of ability, not perhaps without some exaggeration of language, that when he looks to Ireland, its unhappy position, its not-to-be-explained violence, its exaggerated demands, and the language in which they are couched, he knows of nothing with which to compare the condition of Ireland, except that of the maniac whom the affecting story of the Gospel has pictured as having torn off his raiment. And it may be that to particular districts the image is not inappropriate. But even if it is, are we to despair? Are there no influences, no remedial measures, no healing processes potent to restore? I say there are. I say you will find them in the spirit to which I have alluded —if you carry it through all the agencies of government—if you act in conjunction with those classes which operate on public opinion—if, acting in conjunction with them, you infuse it through the whole mass of the community. Yes, subject though my country may be to a possession not less evil than that which afflicted the unhappy sufferer of old, there is that in this spirit which can rescue and regenerate, expelling whatever oppresses and degrades, and conducting her again to the beneficient influences of law, social peace, and social order, clothed and in her right mind!

MR. HORSMAN: Sir, the Solicitor General for Ireland (Mr. Dowse) told us, and with great truth, that we were in the midst of an Irish crisis. Sir, ever since I have had the honour of sitting in this House the state of Ireland has been one continued crisis. Every successive Coercion Bill has been necessitated by a crisis, and I have voted for more Coercion Bills than it is pleasant to remember. They have all been dealt with in the same way. Some support them, as the hon. Member for Cavan (Mr. Saunderson) does the present measure, because they heartily approve of them; and others, like the hon. Member for North Warwickshire (Mr. Newdegate) on this occasion, give their support because they dare not withhold it; but the result is always the same, and hon. Members, whatever their opinions may be, find themselves in the same Lobby. Many condemn Bills, all deplore them, and some declare they will never vote for another Bill of the same kind; but yet, when the time comes, we all find ourselves succumbing to the pressure brought to bear upon us. In the few remarks which I shall make I shall not follow the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball) through his examination of the provisions of the Bill, because to those who have been longer in the House than the right hon. and learned Gentleman its many provisions are, unhappily, too familiar. These provisions have appeared in every previous Coercion Bill, and as long as, on this question of Irish coercion, we are under a system of routine, they will appear in every Bill which we shall see hereafter. I will not now enter into the question whether this Bill is more lenient than its predecessors, although on that point I differ from the hon. Member for North Warwickshire (Mr. Newdegate), for its leniency, in my eyes, would be a recommendation; or whether, as stated by the right hon. and learned Gentleman (Dr. Ball) it is more severe than other Bills, especially with regard to the power it gives to the Government to seize upon newspapers. On the latter point, however, I may remark that we all acknowledge that the occasion demands such a provision, and being sure that in these days no Government would ask for more powers than the occasion required, we accept that portion of the Bill. If I have any regret to express with regard to the Bill it is that while it contains exceptional, temporary, odious, and irritating provisions, which are acknowledged to be necessary, it contains nothing but those provisions. It deals with evils which are confessedly and notoriously of a permanent character by means of the old, stale, temporary expedients. Not only does it not create a policy—for it is impossible to do so in a temporary measure—but it contains nothing which is connected with even the semblance of a policy. I make this remark, because I must confess I did expect something different from the authors of such measures as the Irish Church Bill and the Irish Land Bill. On these questions, which had baffled the efforts of previous Governments, the present Cabinet rose above mere conventionality and routine. They brushed all those difficulties away, and brought to bear upon those questions new views, new powers, and new resources, which infused into their legislation a new life and spirit. Therefore, knowing as I did, both officially and otherwise, that the difficulties on these questions were almost insuperable, I could hardly find words to express my sense of the great service they rendered to the country, and of the great dangers they averted by their masterly treatment of those questions. And I hoped that in this coercive department of Irish administration, also, the same resources and the same originality would have lifted us out of the old ruts—that there would have been some variation from that wretched, discredited, used-up system; but I find myself to-night, a Member of a House, as much the slave of routine as at any time during the last thirty-five years; and if some Rip Van Winkle were to return to-night to this House after a long sleep, he would find it transacting the very same business it was engaged on when he saw it last. It appears as if my right hon. Friend the Chief Secretary had searched the pigeon-holes in the Irish Office and brought out a dusty old Bill which has been re-cast for this occasion. The right hon. Gentleman has made a speech precisely similar to those we used to hear thirty or forty years ago; he has been followed by Irish Members, bombarding with the same reproaches; he has been sustained, as usual, by promises of support which cannot be withheld from the other side of the House; and the unsatisfactory and irritating character of the measure is admitted by the apologetic promise that it is only to be in force for a limited period. That, construed by my experience, means for an unlimited period interrupted by occasional breaks. I know of no precedent of a Bill of this character being brought in for a year which was not followed by an extension of the time. If there were in Yorkshire or Lancashire any tumultuous outbreak of discontent it might be dealt with by a temporary measure, because there there is a law-loving population. The danger would be as short-lived as it was sudden, and the storm of passion once expended the people would return to their habitual orderly condition. But in Ireland we have to deal with a population whose feelings are deep-rooted and whose character is unchangeable, at all events in the present generation. Consequently, I think the Government ought to have looked more below the surface of things, and dealt by means of a more permanent measure with evils acknowledged to be of a permanent kind. The first difficulty mentioned by the Chief Secretary for Ireland was that the Government could not get evidence, especially before a prisoner was committed for trial. But then they have not come forward to ask for the right mode of getting such evidence. There is no portion of the United Kingdom in which the criminal law is more wise or more just, or its administration more popular and efficacious, than in Scotland. Ask the Lord Advocate, and he will tell you how you can meet this case. The moment a suspected man is arrested in Scotland he is taken before the local functionary, examined and compelled to give an account as to what he was doing with himself at the time at which the offence with which he is charged happened to have been committed. His statement is taken down in the form of a declaration, and that declaration is signed by him, and produced at the trial. If his statement is confirmed by other witnesses it is a great point in his favour; but if it is proved by the testimony of other witnesses to be false, it goes very strongly against him. The innocent man has nothing to fear from such a declaration; he is often liberated without a trial. It is the guilty man to whose prejudice it operates; and all the provisions of this Bill put together cannot deter a man from contemplating the crime of murder so much as a declaration of this description to be used in evidence at his trial. There is another change to which I wish to allude. It is one that has been suggested to the Government, and my right hon. Friend at the head of the Government has set it aside for reasons which seem to me so insufficient that I suspect there must be something further behind. The right hon. and learned Gentleman who has just spoken says there is great strength in the unanimity of a jury; but has he never heard of weakness and failure following from the necessity for such unanimity? It is not required in Scotland, and but very few persons ever now justify it in England. The locking up of a jury who fail to agree is looked upon as a remnant of barbarous times, and serves far oftener to defeat than to promote the ends of justice. Remember you have now an opportunity of making these changes which may never occur again. It is when you are giving great boons that you have a right to exact fresh securities. You are dealing with the Irish difficulty as a whole, not for the hour but for all time, and although it may be difficult, as the right hon. and learned Gentleman said, in a temporary Bill to make permanent alterations of the law, I think we ought to have a simultaneous Bill by which that object might be effected. There is another subject which was alluded to by my right hon. Friend the Chief Secretary for Ireland when introducing this measure, and which is of great importance. He referred to the police. He talked of the danger to which witnesses were subjected, observing that any of them who gave evidence against a criminal in Ireland was a marked man. It has been said that the Irish police are too much of a military and too little of a detective force. Now, there is in that a great deal of truth, but it is not the whole truth. It does not account for the impunity with which crime is committed in Ireland, nor for the helplessness and inefficiency of the police. We do not deal fairly with the police in Ireland. We trust them to perform very difficult and dangerous duties, while we afford them neither adequate motive nor adequate protection. It is a fact that witnesses whose evidence leads to the committal and conviction of the member of a family in Ireland are marked men, and the policeman, as he takes his solitary walk, may sometimes be a doomed man. Without, however, pursuing this subject, I think that while taking compensation under this Bill for those who may suffer injury we should not forget the protection of the policeman, who is a public servant, and ought not to be lost sight of, and that the case of such a man if ever he be murdered in the discharge of his duty ought not to be left to be dealt with by the grand jury. A crime so inhuman and dastardly ought, it appears to me, to be visited with the heaviest fine which can be wrung from the district in which it may occur. Another change which was alluded to by the hon. Member for Mayo (Mr. Moore) and the right hon. Gentleman who has just spoken relates to the powers to be given by the Bill for the control of the Press and the seizure of newspapers. That is a power which, in my opinion, may be well placed in the hands of the Government. There is this, however, to be considered, that whatever may be the writings in the Press, they are not so mischievous or atrocious as the speeches we have heard from the platform. The agrarian population in Ireland do not read the newspapers. ["Yes, yes!"] Well, those of them that do so are not to be compared with the number who listen to speeches. They heard speeches during the Recess in Tipperary and Louth; speeches made by their own priests, and in the presence of priests, which have been alluded to in this House, and with which the whole Press in England has been ringing for months. Now, we have not heard that these speakers have been visited by any ecclesiastical censure. We know that they were not subjected to any prosecution by the Government, and that, I should suppose, must have arisen from some defect in the law which I, for one, should be glad to see remedied. I would add one or two remarks to which I hope my right hon. Friend at the head of the Government will not object. I think the Government in the mode of introducing this Bill have not shown their sense of the gravity of the proceedings I have adverted to. The crime of murder has been talked of, but is it occasional or even frequent murder that is the root of all this evil? No, it is not. Judge Longfield tells us in his admirable essay—"You cannot expect the benefits you wish for from your legislation until the people are taught to regard murder with horror as a crime." People in a Christian country not taught to look on murder as a crime! We should have regarded the thing as incredible had we not the evidence before us, and did we not hear in every direction that the spiritual teachers of a population which we know is quick-witted, excitable, and inflammable, have made murder a subject of merriment on the hustings, while letters from an exiled patriot advising wholesale assassination have been read from a public platform. When the Irish Church was to be dealt with the Government showed their sense of the magnitude of the occasion. My right hon. Friend the First Minister of the Crown came down to the House and gave dignity and solemnity to the occasion by introducing his measure in a speech which was read with interest and admiration from one end of the kingdom to the other, and which anticipated while it demolished opposition to his policy. Then, when the land question came on us, and when agrarian grievances were to be dealt with, the Government again showed their sense of the importance of the subject, and their earnestness in taking it up. My right hon. Friend appeared again at that table, and once more lent all his authority and influence to the exposition of a question which had not been rendered generally intelligible until he explained it. He will, I am sure, excuse me if I say that it would have been well if upon this occasion, too, which is not of less, but of greater importance than those which I have just mentioned, he had adopted a similar course. The best results would have followed from his coming forward, and in the name of his Colleagues and in the noblest language he could command, conveying to Ireland his own conviction that the heart of the stoutest Minister must sink within him and all legislation must be unavailing so long as the springs and motives of action were poisoned at the source by those whose whole authority was derived from their mission to humanize and elevate their flocks by their guidance and the example which they set. I differ from the right hon. and learned Gentleman who spoke last, I may add, as to the lateness of the period at which this measure has been brought forward. I think that if, in their position and with their antecedents, the Government had introduced it before it would have been an unwise proceeding on their part. It would have weakened and damaged them as inconsistent with their previous pledges. It would have excused and justified the unfavourable reception which the Bill would then have met with in Ireland, and it would have procured for the Irish Members who oppose the measure an amount of sympathy which they are not now likely to receive. If the Government had introduced this Bill before the second reading of the Land Bill, I frankly say I, for one, would not have given it my support. But the longer it was delayed the more carefully ought it to have been considered, and the more complete it should have been. I confess I am in this respect somewhat disappointed. I find myself voting once more for a bald, stale, old Coercion Bill, with which I have been familiar ever since I have been a Member of this House, when I supposed I should be voting in favour of a Bill linked with a policy which it was to complete and to crown, which I have thankfully supported, which I deemed just and beneficent, and which I hoped and believed would be effectual.

Mr. HENLEY: Sir, I am unwilling to give a silent vote on this question. I have given much consideration to the grounds on which the Chief Secretary for Ireland asked the House to sanction the proposed legislation. The Chief Secretary tried hard to diminish the force of his own statements in a manner which, from anybody else, would have been called hardly fair. He said the present state of things was not so bad in Ireland as it was twenty years back; but then he did not tell us what the circumstances of the country were twenty years back, just after the time of the Irish famine, with the population 50 per cent larger than it is at present. Notwithstanding this weakening of his own case, I am bound to say that the right hon. Gentleman made out a strong case, and I cannot refuse to support the second reading of the Bill, or refuse to the Government the powers they now ask for. But while saying this, I am also bound to ask myself and the Government why they have so long delayed to try to obtain these powers? What is the difference between the state of things now and five weeks back? Why, upon the principles they have themselves laid down in the Bill, have they delayed up to this time to come to Parliament for these additional powers? The Government have revived the old practice of attaching a penalty to neighbourhoods where crime has been committed. Now, I do not at all object to the revival of an old practice; but apply the same principle to the Government themselves, and see how they come out of it. They have stood by with their arms folded for the last five weeks with all these facts in their possession, and with all these crimes before their eyes, and have done nothing; they, being not private individuals, but the sworn servants of the Crown, whose duty it is to protect the lives of the Queen's subjects, have absolutely done nothing to that end. On whose heads will be the blood of the people who have suffered during these five weeks, or who may suffer before the Bill becomes law? I do not think you would come and ask for those powers if you did not believe they would do good. But if you honestly believe they will enable you to stop these outrages, how can you justify yourselves for not asking for these powers five weeks back? I am unable to excuse the Government of what, in my opinion, is a serious *laches.* As to the provisions of the Bill, much has been said upon the subject of the Irish magistracy; but, so far as I have been able to read the Bill, almost all the powers given appear to be handed over to the stipendiaries. In one case the Bill says that two magistrates may do certain things, but the stipendiary must be one of them—he having before been turned into two. That is a curious provision; but, coming to other parts of the Bill, I see no possible objection to impose a penalty upon any places where crime may be committed, and I think this proposal may do good. Then we come to the serious question of the Press, and here, again, if additional powers are needed to stop the mischief which is now being done by some Irish newspapers, I have no objection to enable the Government to put the fire out by stopping the issue of the paper and seizing the printing materials. It is a new and a vast power; still, if it be needed, I will not stand in the way of it. But the provision that follows requires consideration. You lay violent hands on the whole of a man's property, and confiscate it to the Crown; you then give him only fourteen days to consider whether he will contest the point by bringing an action. See in what a position you thus place him! You say you will give him notice of what the charge is in the warrant under which his goods are seized. But instead of pointing out the passages you allege are seditious or mischievous, you may found upon any number of papers published at any interval of time, so that they are the same paper; and how is the man to satisfy himself, within fourteen days, as to the passages which have been joined together out of several papers, and upon which the seizure is founded, and elect within that short time to bring an action for his justification? It seems to me that, under such a provision, he would not have a reasonable chance of establishing his innocence, if innocent he be; and, accordingly, that the proposal is unfair. It would be worth considering whether you ought not to take the converse of the proposition; and whether, having made up your minds that such and such passages amount to an offence, it ought not to be for the Government to bring an action or indict the alleged offender, giving him the privilege which belongs to every accused person—namely, the benefit of any doubt which may exist as to his guilt. By making yourselves the defendants you take from him this privilege and enjoy it yourselves, so that if a doubt exists you will be acquitted, while his property will be confiscated. That is not justice. In order to stop the circulation of this mischief you are entitled to every advantage; but when the object is attained, you ought to give the man a fair chance by allowing his offence to be proved in the ordinary manner. These are the points which have struck me in reading over the Bill, and which will want consideration in Committee. As it stands, I cannot think the provision a just one; and though I shall support the second reading of the Bill, I hope in Committee some of these proposals will be amended. Much has been said of late to throw discredit upon legislation dating many years back, and a morbid sentiment has arisen, which I cannot excuse the Government of pandering to. I observe, however, we have gone nigh 100 years back for some of the contents of this Bill. It is very hard that we, not knowing, perhaps, all the difficulties of those who have gone before us, should accuse them of Algerine legislation in the way we have heard. Certainly, to those who have sat in this House as long as I have, the retrospect is not a pleasant one. We have hardly ever been two or three years without an Arms Bill, a Coercion Bill, a Peace Preservation Bill, or something of the kind. We are like the man we have been told of, who for fifty years had been constantly draining his five acres of bog and had never got to an end of the water; we have always been passing these Bills, and when they have had a temporary effect and have expired, sedition crops up once more and we have to do the same work over and over again. I hope the present Bill will be more successful than many of its predecessors.

Mr. M'CARTHY DOWNING moved the adjournment of the debate.

MR. GLADSTONE said, he naturally very much regretted the necessity for the adjournment of the debate; but it was impossible to take objection to the Motion for adjournment in a matter of this kind. [*Cries of* "Go on!"] If the House were disposed to go on, he was quite willing to do so; but if the debate were adjourned, he hoped it would be closed to-morrow evening.

Debate *adjourned* till *To-morrow.*

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) SUPPLEMENTAL BILL.

On Motion of Mr. WILLIAM HENRY GLADSTONE, Bill to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, *ordered* to be brought in by Mr. WILLIAM HENRY GLADSTONE and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 83.]

CUSTOMS (ISLE OF MAN) BILL.

Acts read; *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to repeal certain Duties of Customs in the Isle of Man.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. DODSON, Mr. WILLIAM HENRY GLADSTONE, and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 84.]

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, 22nd March, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Dublin Collector-General of Rates Franchise* (44).

Second Reading—(£9,564,191 7*s.* 2*d.*) Consolidated Fund*.

Committee—Coinage (36-45); Consolidated Fund (£9,564,191 7*s.* 2*d.*)*, *negatived.*

Third Reading—Income Tax Assessment and Inland Revenue Law Amendment* (37), and *passed.*

COINAGE BILL—(No. 36.)

(*The Marquess of Lansdowne.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself into Committee."—(*The Marquess of Lansdowne.*)

Mr. M'Carthy Downing

THE DUKE OF RICHMOND said, that before the House went into Committee he wished to call attention to one or two provisions in the Bill which he thought were of a somewhat extraordinary character, and required great consideration before it was passed into law. He found that in the Bill, as originally presented to the House of Commons, silver as well as gold was included; but in the Bill now before their Lordships there was no reference whatever to silver, and therefore he should be glad to hear from the noble Marquess (the Marquess of Lansdowne) why such an important omission had taken place. There was another point, also, which required explanation. The Bill provided for the appointment of the Chancellor of the Exchequer as Master of the Mint; but although there was no mention in it of any salary to be received by the Chancellor of the Exchequer for his services as Master of the Mint, it appeared from a somewhat singular document, signed by C. W. Fremantle, the Deputy Master of the Mint, and C. Rivers Wilson, the private secretary of the Chancellor of the Exchequer, and presented to the other House a few weeks ago, that it was proposed to give the Master of the Mint a salary of £1,500 a year. Now if that was the case, the salary of the Chancellor of the Exchequer had been increased by that sum. As he considered this a rather extraordinary arrangement, he wished for some information from the noble Marquess on the subject.

THE MARQUESS OF LANSDOWNE replied, that the Report referred to by the noble Duke was prepared by the two gentlemen whose names were attached to it, with a view of affording Her Majesty's Government a sort of statement as to the administration of the Mint; but it was not prepared as the basis of legislation on this subject; and he did not think the opinion of a private secretary should be accepted as pledging the Government or the Chancellor of the Exchequer to any positive statement of fact. The office of Master of the Mint was formerly a non-political office, but before the close of the last century it became a political office. By the present Bill it was proposed that the scientific duties of the Mint should be conducted by the Deputy Master, and the Parliamentary duties by the Chancellor of the Exchequer. In regard to the question of salary, the Chancellor of the Exchequer had himself stated in "another place" that no salary was to be attached to the office of the Master of the Mint. With respect to the omission of silver from the Bill, the Government were not supposed to make money by the gold coinage; but it did make a considerable sum by the silver coinage, and it was therefore considered advisable to make the omission referred to by the noble Duke.

LORD KINNAIRD: I have given notice of a Motion that this Bill be referred to a Select Committee. My reason is, that this very important measure has not received due consideration; for it passed through its various stages in the other House after midnight, and Amendments were introduced only by Members who represented establishments interested in the question. The noble Marquess stated on the second reading that it contained no innovations and no new principle.

THE MARQUESS OF LANSDOWNE: I said it contained no important innovation, with the exception of the clause transferring the Mastership to the Chancellor of the Exchequer.

LORD KINNAIRD: But I contend that it contains very important alterations. I do not at all complain of the noble Marquess, for of course he was instructed to say what he did. It has been framed on the Report of two gentlemen, who, no doubt, are very good official men; one of them is secretary to the Chancellor of the Exchequer, and the other is the Deputy Master. For any official work more competent gentlemen could not be selected, but they are totally ignorant of the working of the Mint. There are passages in their own Report which will show this. In one passage they say—

> "It may be mentioned that the legal remedy of weight for gold coin is ·25 of a grain, but that although by far the larger portion of the recent coinage of £8,000,000 was coined at the low working remedy of ·17 of a grain—and all gold coin passes through the delicate automaton weighing machines, yet the average of rejected work in the whole coinage only amounted to 15½ per cent."

So that "*only*" 15½ per cent or "*only*" rather more than one-sixth of all the coinage was bad work, and had to be recoined. Anyone acquainted with the Mint will know that that is very bad work indeed. Then the Report contains an extraordinary recommendation that the Mint should be allowed to undertake coinages for foreign Governments. That showed their total ignorance of the working of the establishment, for they could only undertake such coinage by contract; and they would have found on inquiry that at times the Mint is called upon, without previous notice, to coin large sums. If, therefore, they had foreign contracts, they could not fulfil an obligation which is most important when money is scarce, or when there is any kind of panic. It is true that the officers of the Mint cannot be kept constantly employed; but only inexperienced gentlemen would have suggested foreign contracts as a remedy for this. Then the remedy allowance for over or under weight is reduced by the 3rd clause to 0·2. The consequence of so low an allowance will be that a great deal of gold will have to be coined over again, adding immensely to the expense. Clause 11, however, gives a power of reducing even this allowance; but if this were put in force, it would be like compelling the Israelites to make bricks without straw. A complaint has recently been made by an hon. Member of the other House that the Mint refused gold which he sent to them to be coined. Now I do not think he had much of a case; but there is a general impression that this Bill gives power to anyone to send gold to the Mint. But if this is to be done by proclamation, it will always require the consent of the Government. There are, however, provisions by which the Mint cannot refuse any bullion so sent. Now, provided the bullion is free from lead, antimony, tin, and arsenic, there can be no difficulty in coining it; but if gold containing those substances be sent, the present Mint authorities find it impossible to coin it, therefore there should be a power of rejecting it as not being properly refined; and these substances are found in Australian and Californian, but not, I think, in Russian gold. In 1868 a quantity of gold of this kind was sent by the Bank to the Mint. The coins produced were very brittle,, but £640,000 were annealed after coining, whereby their brittleness was greatly increased, and the Bank naturally made a complaint on the subject. With regard to the introduction of foreign coins, the Bill gave power to the Privy Council to direct that coins coined in any foreign country shall be current and be a legal tender at such rates, up to such amounts, and in such portions of Her Majesty's dominions as may be specified in the proclamation. Now, it may be desirable to have an international coinage if it can be done without individual loss, but a power of this kind to introduce foreign coins ought not to be given to the Government. We had at the present time before us the inconvenience and loss to individuals which had been caused in France by the introduction of the debased Papal coinage. This is a new provision, and ought not to be passed without serious consideration. No doubt, the clause may be amended in Committee, if I am not successful in getting the Bill referred to a Select Committee. But the most important question of all is the appointment of the Chancellor of the Exchequer as Master of the Mint. I see that he is to be "The Master Worker and Warden of Her Majesty's Royal Mint in England and Governor of the Mint in Scotland." Now, as I stated the other night, a public Department ought not to be conducted by men who have no practical knowledge, especially when you consider the delicate nature of the machinery and the close supervision that is daily required to prevent robbery and peculation. It is very important that either the Master or the Deputy Master should be a man of practical knowledge. No doubt there is a great deal of official business which can be done well by an unprofessional officer, if his colleague is an efficient man. I do not, however, see what Parliamentary duties will devolve on the Master. I stated the other night that great robberies have notoriously taken place; and I maintain that these peculations and robberies still continue. If I had an opportunity before a Committee I could prove this; but the Returns which I have obtained will show the correctness of what I am stating. I was not surprised the other evening at a particular Return being refused, for the officials of the Mint naturally dislike further exposure; but the Returns before us clearly show that under the term "waste," which should rather be "stolen," large sums are lost in coinage. There ought to be no loss in coinage if the Mint was properly conducted. There might, indeed, be a small loss of £100 on the million in the melting department; but in the coining there should be a gain on every million of at least £59, making the net loss £41. Instead of this, however, there is a loss as these returns show, of £460 on every million coined. What becomes of that sum? It must go into some one's pocket, and, in point of fact, it is abstracted. Look, too, at the large sums which are paid to the Bank of England for loss every time there is a coinage. At one time there was a loss of £1,132 on every million for loss of gold abstracted and not returned in coinage. From 1851 to 1857 there was a loss; in the next two years there was a gain; the next two years there was a loss; and the following years there was a gain, and after that losses. Now why should not the gain continue? Why was there a gain? Because the men were properly looked after, and could not abstract the precious metal. It is true that the "sweep," which is not included in these Returns, may account for part of the losses; but these Returns prove a very serious state of things in the Mint; I hope your Lordships will agree to refer this Bill to a Select Committee, or will hereafter agree to an independent inquiry into the Mint, conducted by other gentlemen than the Chancellor of the Exchequer's private secretary and the Deputy Master. I contend that very gross mismanagement somewhere exists. Since I came into this House I have received a letter from a gentleman who was employed by the late Earl of Derby to report upon the formation of the Mint in Australia. It is right that I should read it, for it confirms what I have just stated. The writer says—

> "I am sure you will excuse my addressing you on the subject you referred to in the House of Lords on Friday evening—that of the Coinage Bill brought in by the Chancellor of the Exchequer and Mr. Stansfeld.
>
> "The purport of this Bill is one of the highest importance to the commercial and industrial interests of the nation, and yet it has been allowed to pass the House of Commons with scarcely an opportunity of discussing its principles.
>
> "I do not know whether your Lordship is aware that the Bill has been evidently framed on the recommendation of a 'Memorandum on the Mint,' one of the signatures to which is that of Mr. Lowe's private secretary—C. Rivers Wilson. It appears something like a clerk in a banking house being called upon to furnish credentials for his employer's character and ability. In this 'Memorandum' it is proposed by the framers that the 'Master' shall have £1,500 a year. Surely the Chancellor, who has already taken upon himself

so many offices of finance, can scarcely be fitted for adding to them the arduous duties of 'Master, Worker, and Warden of Her Majesty's Mint in England, and Governor of the Mint in Scotland,' and by consequence Master of the branch Mint in New South Wales.

"The Bill, my Lord, is evidently urged upon Mr. Lowe by a certain class of officials for the sake of showing a 'miserable economy,' as your Lordship remarks; and the first Schedule dividing our coins into metric weights, is highly objectionable in a Bill of this character. Another objectionable feature in the 'Memorandum' signed by Mr. Lowe's secretary is that of recommending our Mints to enter into contracts to execute foreign coinages.

"Surely, my Lord, this is not a fit office to be filled by an English Chancellor of the Exchequer, and I trust that the Bill will not be allowed to escape a Select Committee."

Now, that letter from a gentleman well acquainted with the subject will show that I have not uselessly occupied time in drawing your Lordships' attention to the state of the Mint; I suppose I shall not succeed in getting the Bill referred to a Select Committee, but I hope that there will be some inquiry. I understand that it is proposed to send a deputation to foreign countries to see how the Mint is conducted there. Now, surely we have the best machinery in the world, and foreigners come from all parts to see it. The loss is easily explained for the gold is stolen, and no information on that point will be elicited from foreign Mints, where perhaps there is a still larger loss. However agreeable it may be to some of these gentlemen to have a trip to the Continent by way of inquiry, I am quite sure that no information will thereby be gained such as may not be obtained by proper inquiry into the management of the Mint. I move that the Bill be referred to a Select Committee.

Amendment *moved*, to leave out all the words after ("That") and insert ("the Bill be referred to a Select Committee.")—(*The Lord Kinnaird.*)

THE MARQUESS OF LANSDOWNE said, with reference to the Report upon the Mint, to which allusion had been made, that Mr. C. Rivers Wilson was well versed in all matters relating to coinage, and represented this country at the International Congress at Paris; while Mr. Fremantle, since the death of the late Master, had discharged the duties in a way which had led to no complaint. The noble Lord (Lord Kinnaird) objected to power being given to make foreign coins current in the British dominions; but this power already existed, and in some of our dependencies it was necessary to exercise it. At Hongkong, for instance, Mexican dollars were the medium of circulation; and though it was not in contemplation to apply the clause to this country, he could see no harm in the proviso on that subject. With regard to the diminution of the remedy allowance, there was every prospect of our machinery being so improved in the course of a few years that the waste would be materially diminished, and in that case the old remedy ought not to be retained. The power to take gold to the Mint for coinage was not altered by the Bill. In a recent case, indeed, a tender of gold had been refused owing to the vacancy in the Mastership; and it was not desirable that this interregnum should be protracted. He denied that there had been any great or habitual peculation at the Mint. There had been a case of a servant of the Mint being dismissed on account of being detected in peculation; but he did not believe that any extensive or systematic peculation had been practised. The fluctuation in the waste, to which the noble Lord had referred, was attributable to the varying quality of the gold, for some had to be fused several times in order to obtain the required fineness, and each fusion was attended with a certain loss. He believed the Mint was as well conducted as was possible with the present machinery, and he entirely denied that habitual peculation prevailed. Every effort was being made to improve the appliances, and Mr. Fremantle was about to inspect the Mints of other countries, which, he believed, would lead to the adoption of some improvements. He hoped the noble Lord would not obstruct the progress of the Bill, which had received the sanction of the other House of Parliament, by pressing his Amendment.

LORD KINNAIRD: I have no wish to cause any inconvenience by delaying the Bill, and I therefore withdraw my Motion. I reserve, however, to myself the right at a later period of the Session of moving for a general inquiry. Meantime, I should like to know who are the gentlemen proposed to examine into the machinery of foreign Mints? There can be no more competent official man than Mr. Fremantle; but I hope the gentleman who will accompany him will be a judge of machinery, for I do not suppose that Mr. Fremantle would pretend to be acquainted with machinery.

VISCOUNT HALIFAX said, he did not believe any person in the kingdom had a better knowledge of this subject than Mr. Fremantle had.

Motion (by Leave of the House) *withdrawn:* then the Original Motion *agreed to;* House in Committee accordingly.

Clauses 1 to 7, inclusive, *agreed to.*

Clause 8 (Coinage of bullion taken to the Mint).

LORD KINNAIRD suggested a proviso that such gold should be free from lead, antimony, and other substances, so as to admit of its being coined without previous refining.

THE MARQUESS OF LANSDOWNE said, he would consider the suggestion before the Bill was reported.

Further Amendments made: The Report thereof to be received on *Thursday* next; and Bill to be printed, as amended. (No. 45.)

House adjourned at a quarter past Six o'clock, to Thursday next, half past ten o'clock.

HOUSE OF COMMONS,

Tuesday, 22nd March, 1870.

MINUTES.] — PUBLIC BILLS — *Ordered—First Reading* — Capital Sentences (Revision and Commutation) [85].
First Reading—Naturalization* [86].
Second Reading — Peace Preservation (Ireland) [75].
Third Reading — Judges Jurisdiction* [60]; Mutiny*; Marine Mutiny*; Inverness County, &c. (Boundary)* [38], and *passed.*

ELLESMERE BOARD OF GUARDIANS. QUESTION.

MR. WATKIN WILLIAMS said, he wished to ask the President of the Poor Law Board, Whether his attention has been called to a report in the papers of the proceedings of the Ellesmere Board of Guardians on Tuesday 8th of March, stating that—

> "A letter was read from the schoolmaster applying to the Board for a map of England and Wales, also one of Palestine. The Board were of opinion that it was not necessary for the pauper children to learn geography, and therefore the application was refused;"

and, whether the statement is true and whether the conduct of the Board is approved of by the Government?

MR. GOSCHEN: Sir, my attention has not been called to the report in the newspapers of the proceedings of the Ellesmere Board of Guardians; but since the hon. Member gave notice of his Question, I have caused inquiry to be made into the facts of the case. They are as follows:—The schoolmaster applied for some slates, books, and maps to the Board of Guardians of the Ellesmere Union, and thereupon this resolution was passed—

> "That the books and slates applied for by the schoolmaster be obtained; but that the maps, considering that there are very few boys in the school, are not at present required."

There were at that time twelve boys in the school, six being below, and six above, ten years of age. Under these circumstances, the Guardians refused that part of the application; but they were not actuated apparently by the motive attributed to them in the Question put by the hon. Member. At the same time, I am bound to say that in a neighbouring Union there has been a considerable anti-geography opinion, and that the Poor Law Board were obliged to threaten to withhold the money grant to the schoolmaster unless proper maps were supplied. The hon. Member will see, therefore, that if Boards of Guardians do refuse to supply maps to an ordinary school, their conduct is not approved by the Poor Law Board.

COMMUTATION OF CAPITAL SENTENCES.—QUESTION.

SIR GEORGE JENKINSON said, he would beg to ask the Secretary of State for the Home Department, If he will state, for the information of this House, the grounds upon which he has, within the last week, as stated in the public papers, recommended the reprieve of three convicts sentenced to death, for murder, and the commutation of such sentences: First case, William Cunningham, who was lately sentenced to death by Lord Justice Clerk for the murder of a woman at Glasgow; second case, Susannah Hyde, who was lately sentenced to death for the wilful murder of her infant child at Tetsworth; third case, Jacob Spinasa, who was convicted at the last Session of the Central Criminal Court, and sentenced to death for the wilful murder of Cecilia Aldridge?

MR. BRUCE: Sir, before replying to the Question of the hon. Baronet, I desire, with the permission of the House, to address to him a few words of expostulation. I have been a Member of this House for eighteen years, and during the whole of that time I cannot recall to my recollection, nor have I been able to discover, any single instance, except in the example set by the hon. Baronet during last Session, of a Home Secretary being called upon to justify the manner in which he has performed his duties with respect to the commutation of capital sentences in the form of Question and Answer, as is now proposed. Undoubtedly it is the right of this House to question the discretion with which the Home Secretary discharges his duties, and that right has been repeatedly exercised. Many Members can recollect the discussions in reference to the commutation of the sentences passed upon Wright and Townley, and in the Scotch case of Jessie M'Lachlan, and my hon. Friend the Member for North Warwickshire questioned the propriety of the decision of my right hon. Friend opposite (Mr. Gathorne Hardy) in the case of James Scott, and of my own decision in the case of Michael Atkins. Upon all these occasions, however, a Notice was given, a Motion was made, and the Minister whose conduct was impugned had the fullest opportunity of defending the course he had taken, and of explaining to the House the views on which he acted. Well, Sir, during all this time I have no doubt hon. Members have felt quite as much interested as the hon. Baronet with respect to the reasons which have actuated the Home Secretary; but they have not chosen to adopt the same method of satisfying their curiosity as he has done. And why have they not adopted that method? Because, considering the gravity of the subject, they felt the impropriety and unfairness of such conduct. They further felt that such conduct would be unjust towards the Minister himself and prejudicial to the cause of justice. Having said this, I will not shrink from giving, though very shortly, my reasons. ["No, no!"] Well, if that is the opinion of the House I will not answer the Question, and I confess I am thankful to the House in having supported me in my resistance to it.

PARLIAMENT—PALACE OF WESTMINSTER—THE CENTRAL HALL.

QUESTION.

MR. A. E. GUEST said, he wished to ask the First Commissioner of Works, Whether he has applied to the Treasury to sanction the necessary provision for completing the decoration of the Central Hall?

MR. AYRTON said, in reply, that the Estimates upon this subject would be laid upon the table of the House in due course; and if the hon. Gentleman should then find any difficulty in understanding them, he (Mr. Ayrton) should be most happy to give him any further information in his power. It was quite new, however, for any hon. Gentleman to require to know what communications had taken place between different Members of the Government with respect to the Estimates.

IRELAND—DUBLIN FREEMEN COMMISSION.—QUESTION.

MR. J. LOWTHER said, he wished to ask the Chief Secretary for Ireland, When the Report of the Dublin Freemen Commission will be laid upon the Table; why the Commissioners (though appointed in August) did not commence the inquiry until December; and, what has been the cause of the presentation of the Report being so long delayed?

MR. CHICHESTER FORTESCUE: In reference, Sir, to the first part of the Question of the hon. Member, I am not able to say what was the cause of the Commissioners delaying to commence their labours; but I may remark that they are gentlemen of great eminence in their profession, and that it was not easy to bring them all together on a particular day. As to the delay in the presentation of their Report, I have heard from them, since notice was given of this Question, that it is caused solely by considerable time being required for printing the voluminous evidence. They think, however, that the Report and Evidence will be ready to be laid upon the table immediately after the Easter Recess.

RUMOURED CESSION OF GIBRALTAR.

QUESTION.

Sir **GEORGE JENKINSON** said, he would beg to ask the First Lord of the Treasury a Question of which he had given him private notice—namely, Whether his attention has been called to a paragraph in "The Times" of this day, dated from Madrid, and published under the head of "Latest Intelligence," in which it is stated that a telegram had been received from Malaga to the effect that Mr. Bright had promised to restore Gibraltar to Spain? Of course, he did not believe it. If the right hon. Gentleman were not prepared to answer the Question, he would repeat it on Thursday next.

Mr. **GLADSTONE**: Sir, I am obliged to the hon. Baronet for offering to postpone his Question; but it is, I think, quite unnecessary that he should do so. I will take it upon myself, even without having the power of direct communication with my right hon. Friend (Mr. Bright), to say that the statement to which the hon. Gentleman has called the attention of the House is an entire fabrication.

CAPITAL SENTENCES (REVISION AND COMMUTATION) BILL.

LEAVE. FIRST READING.

Sir **GEORGE JENKINSON** moved for leave to introduce a Bill to alter and amend the Law in regard to the present system of the revision and commutation of Capital Sentences. In doing so, he took occasion to observe, in reply to what had fallen from the Secretary for the Home Department a few minutes previously, that if the right hon. Gentleman had stated to him that he did not consider it advisable in the interest of the public service to answer a Question of which he had given public notice a few days ago, he would, in conformity with such an intimation, have refrained from putting it. He must protest, in the name of the Members of that House, against having such remarks addressed to him, for doing that which he believed to be his duty, as the right hon. Gentleman had used. The country had a right to know why sentences were commuted, and nothing tended so much to diminish the respect of the lower classes of the people for the administration of justice as not to be informed why one person was hung and another not for the crime of murder. It was on that ground that he asked for leave to bring in the present Bill, and the Government would, he hoped, offer no opposition to its introduction.

Mr. **BRUCE** said, he should not object to the Motion. Nobody would be more relieved, if the efforts of the hon. Baronet at legislation on the subject with which the Bill proposed to deal should prove successful, than the individual who happened to occupy the position which he had the honour to hold in the Government.

Motion *agreed to.*

Bill to alter and amend the Law in regard to the present system of the revision and commutation of Capital Sentences, *ordered* to be brought in by Sir George Jenkinson, Mr. Staveley Hill, and Mr. Wren-Hoskyns.

Bill *presented,* and read the first time. [Bill 58.]

PEACE PRESERVATION (IRELAND) BILL—[Bill 75.]

(*Mr. Chichester Fortescue, Mr. Secretary Bruce, Mr. Solicitor General for Ireland.*)

SECOND READING. ADJOURNED DEBATE.

[SECOND NIGHT.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [21st March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Moore.*)

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

Mr. **M'CARTHY DOWNING** said, he rose to address the House with a feeling of deep regret, in common with every Irish Member who had addressed it since the Bill had been introduced. He believed there was one English Member who more deeply regretted the introduction of the Bill probably than any Irish Member—that was the right hon. Gentleman the Prime Minister. He was satisfied that nothing but an overwhelming sense of duty would have induced him and the other occupants of the Treasury Bench to introduce a Bill of Pains and Penalties. While he admitted that agrarian crime, to a certain extent, did exist in certain portions of Ireland, he did not believe that any case had been made out by the Government to justify the introduction of a Coercion Act more aggravating in its form than many of those formerly introduced when crime was more rife in Ireland. He believed that had been partly caused by misrepresentation, by public feeling being excited in England, and by the Press of England constantly calling attention to every occurrence in Ireland, and no matter whether it was agrarian or not, attributing it to that cause. He regretted that hon. Gentlemen opposite, who came from Ireland, never lost the opportunity of doing the same thing; and suggested that they did so probably with the view of their being able at the next election to throw the odium on the Liberal party of having brought in a Coercion Bill. There was one paper which seemed to be more remarkable than any other for sensational articles bitterly hostile to the people of Ireland. He alluded to *The Pall Mall Gazette.* In the month of May that paper called the attention of the public and the Cabinet to the then state of Ireland, and it gave and recited in detail thirteen cases of agrarian crime of the greatest magnitude. Now, what were those thirteen cases? Six of them were manufactured out of one transaction — the Ballycohey case. Mr. Scully, who was engaged in that affair, was described as having been shot dead, though he was now alive and in excellent health. Two policemen were, in the next place, said to have been shot, and three policemen to have been wounded; so that six distinct cases were thus made out of one transaction. But there was also another sensational announcement made with regard to a gentleman whom he happened to know, and who was respected by all who were acquainted with him. He referred to Mr. Smith, who resided in the neighbourhood of Kanturk, and who was a large land agent as well as a man of property. Well, it was stated in all the London papers that a terrible outrage of an agrarian kind had been committed on Mr. Smith. It was said that while he was sitting in his drawing-room, reading a book, he was fired at through the window, and severely wounded with slugs. It was added that the outrage was due to his having served a tenant with a notice to quit. The fact, however, was, that Mr. Smith had never been fired at, and had never served notices to quit. This gentleman was attending a fair at the time he was supposed to have been shot at. It was by such reports that the people of Ireland were misrepresented to the English people and this House. It had been said the other night that Tipperary was the very worst county in Ireland. But a letter had recently appeared in one of the Manchester papers, in which a gentleman said—

> "I have returned to Dublin after a journey to the county Tipperary. I suppose this is the county of all others in which Englishmen think that outrage and crime prevail. When I took my seat in the railway carriage in Dublin I bought a copy of *The Pall Mall Gazette*, and on opening it I was told that news from Ireland was daily growing worse, and then the article proceeds for a column and a half to give such a description of the state of the country as must frighten everybody from going to Ireland. I was then going to Tipperary with a writ in my pocket to take possession, and I took possession without an armed police or any other force than the writ."

That letter spoke for itself. And now, let him ask, was England in a position to throw stones at Ireland in respect to crime? If English Members would only look into the Returns which had been made of the relative crime in Ireland and England, they would see that Ireland presented a most favourable contrast to this country. In 1868 the whole number of indictable offences in Ireland was 9,090; while in England and Wales, for a corresponding population, the number was 14,239—more than 50 per cent over that of Ireland, taking the same population in both countries. Nor was this disproportion to be explained by the negligent performance of their duty by the police. Though often assailed, the Irish police were active, intelligent, and faithful, and had proved their fidelity under the most trying circumstances. The number of apprehensions in Ireland was 63 per cent of the offences, while in England the percentage was only 58; so that the police in Ireland were more vigilant than the English police. Again, there was comparatively no theft in Ireland; crimes which showed a low moral tone were unknown. You did not hear there of men beating and battering out the brains of their wives, or of a general massacre of infants. The Reports he had in his hand stated that verdicts for murder on coroners' inquests were much less numerous in Ireland than in England and Wales. Murder in England was largely in advance of the same crime in Ireland, taking the population into account. Now, the answer made to all this was, that it was not agrarian crime. The right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball) said that crime was crime, and he (Mr. M'Carthy Downing) said that murder was murder, whether a man was shot from behind a hedge or in a railway carriage because he carried a watch, and it mattered little whether a man had vitriol thrown upon him in Sheffield or had slugs fired at him in an Irish county. What was the conduct of the men in Sheffield? They prevented employers employing whom they pleased, and prevented the *employés* working unless they belonged to a certain society. Was not this of the same type and character as what was called in Ireland agrarian crime? Why, then, should this coercive—this Algerine measure be applied to Ireland? They all heard of the case where a clergyman residing in an English county was shot, together with his wife and servant, because he prevented a young man visiting at his house. He (Mr. M'Carthy Downing) would point to England, and would say that eight murders occurred there for every one that took place in Ireland. What was the state of the very city in which they were legislating? He quoted from *The Pall Mall Gazette* of Thursday, the 3rd of March. What did *The Pall Mall Gazette* say?—

> "Robbery with violence has been a disgrace to London for some years past. Offenders are so rarely caught, and, when they are caught, are dealt with so tenderly, that the profit arising from the occupation far outweighs the peril. There are certain streets and lanes of the metropolis which a cautious man would not willingly enter after nightfall; but it seems hard that with 8,000 policemen to guard us by day and night, we are not safe from molestation even in respectable localities. The lady who was nearly strangled by a ruffian on Sunday night, and now lies insensible at St. Thomas's Hospital with little prospect of recovery, was no doubt ignorant of the peril she incurred in passing through a court in the New Kent Road with a watch and chain in her possession. She probably thought that authority in this great city is everywhere strong enough to prevent open lawlessness and brutality; and she is suffering for her ignorance accordingly."

He did not suppose that it was the intention of the Government to bring forward a Coercion Bill for London. Then, if not, they were not in a position to turn round and say to the people of Ireland that they were in such a low and degraded state as to need a measure of this kind. The hon. Member for York City (Mr. J. Lowther) recommended that steps should be taken to send the seething mass of Irish ruffianism and crime thousands of miles away from Ireland; but he would recommend the hon. Member to try first that same experiment with the crime and ruffianism of London. Small farms had been spoken of as if they were the cause of the present condition of Ireland. On the contrary, he believed the miserable condition of the labouring population was due to the consolidation of holdings and consequent evictions. It was a mistake to suppose the people of Ireland would leave the country; they were determined to remain in it, and he thought they had a right to do so. It was too bad to say the population of Ireland was too large; as if it was not enough that 3,000,000 of the people were in their graves or in a foreign land. If Ireland had no manufactures, it was because she had been robbed of them by English legislation; it was Parliament that had made Ireland an agricultural country, and left her nothing but agriculture to rely upon; and having done that, and diminished the population of the country by 3,000,000, it was cruel to the people to talk of still further reducing their numbers. He maintained, on high authority, that Ireland was capable of maintaining in comfort, contentment, and affluence a population much greater than that she had at this moment. The condition of Ireland in 1832 had been referred to; but it was remarkable that its condition in previous years was very similar to that which now existed. In 1830 Ireland was in a most disturbed state; the Tory gentry were highly incensed at the Government of the Duke of Wellington for having passed Catholic Emancipation, and it did not improve the material circumstances of the peasantry, just as the Irish Church Act of last year had done nothing for them, beyond removing a sentimental grievance which it was necessary to remove before attempting to improve the material condition of the people. But, before 1833, when the Coercion Bill was passed, there had been several prosecutions in Ireland, and large rewards had been offered in vain for the detection of offenders. Now, however, there had been but one prosecution, that of Barrett, who had been spoken of as an assassin at large; but to hold such language was to impeach trial by jury, for in his case the juries had disagreed, the venue was legally changed, there was really considerable doubt as to his guilt; the Dublin jury was most impartially constituted, there was no one upon it who had any sympathy with him, and not a single tenant-farmer; and the prosecutor was one of the most unpopular men in Galway. The imputation that had been cast upon the juries could not be sustained in argument. In comparing the present with the past state of Ireland, its condition during the years 1844 and 1845, when a Tory Administration held Office, and did not bring in a Coercion Bill, was most remarkable. According to a letter written by Earl Russell to the right hon. Gentleman the Chief Secretary for Ireland (Mr. C. Fortescue) there were, in 1844, 18 homicides, 26 cases of firing at the person, 12 assaults endangering life, 121 incendiary fires, 7 cases of holding forcible possession, 54 of killing or maiming cattle, 9 demands for arms or unlawful carrying of them, 417 of sending threatening letters, 84 of attacking houses, 18 of resisting legal process, 69 of injuring property, 31 of firing into dwellings, 43 of aggravated assaults, and 30 cases of the administration of unlawful oaths by Ribbonmen, there being within the year a total of 1,001 crimes of agrarian origin. But things must have been even worse in the next year, for there were then 1,944 cases of threatening letters. With Ireland in such a condition a Conservative Government did not resort to a coercive measure, and it was not until 1847 that one was passed. Of course, the Conservatives would point to the fact that the Whigs had passed a coercive measure in 1870, while the Conservatives had abstained from doing so in 1844, when things were worse than they were now. The Charges of Mr. Justice Fitzgerald to the grand juries of Clare, Limerick, Cork, and Kerry, were congratulatory addresses upon the state of those counties; and in the great county of Cork, with a population of 500,000, there had been only one case of homicide in a period of seven months. It had been said that in 1832 the peasantry of Ireland lived freely upon potatoes and milk, and he only wished the people had them now; for their condition would be much better than it really was. Let anyone take up the Reports of the Poor Law Inspectors lately made, and say whether he could doubt that the state of the labouring population of Ireland was very much worse than it had been in the years 1844 and 1845, and that this was the spring of a great proportion of the crime and outrage which were now disgracing Ireland. As a cause of the discontent, it was stated that since the period of the famine the owners of property and their agents had, as a general rule, been strongly opposed to the erection or continuance of cottier houses on their estates. It was impossible not to draw the conclusion that agrarian crime and outrage were, to a great extent, attendant upon the oppression of the landlords. In Meath and Westmeath the proportion of these was above the average, and both these were grazing counties, where the agricultural population had been disturbed and ejected from their holdings. Mayo and Donegal had been in a disturbed state, and anyone who read the Reports of the Inspectors would say it was surprising, not that agrarian crime existed there, but that insurrection had not broken out, for tenants had been obliged to sign agreements that they would resign their holdings on the following 1st of November, and it was said that notices to quit were printed on the receipts given to the tenants. With regard to the case at Ballina, alluded to by the right hon. Gentleman, where a number of ejectments were served by a lady, anyone who had read the accounts of what had occurred might well despair of the country where such things could happen. The very lady who the right hon. Gentleman said was fired at, to show that she was not dead appeared in court with her jaw bandaged to support her ejectment cases, and tenants who had improved their holdings were turned out without 1*s.* of compensation, houseless and homeless on the world. [" Hear, hear!"] If hon. Gentlemen would call " Hear, hear!" at such statements, he entirely despaired of getting from them any measure of justice to his country. He maintained that there was more of crime and outrage in England in proportion to its population than in Ireland, and that the crimes were of a more aggravated nature. He did not intend, at the present moment, to go through the clauses of the Bill, because he should have an opportunity of commenting on them in Committee; but he objected to several of them, and to one in particular, which provided that a man taken on suspicion in a proclaimed district might be carried before a magistrate and examined on oath, and sent to prison if he refused to give evidence. That was contrary to all the law he had ever heard or read of, and it was an invasion of the constitutional principles by which England had hitherto been guided, and of which she had been so proud. The provisions in respect to the Press appeared to him of such a character that no English Parliament would assent to them if they thoroughly considered their nature. They empowered the Lord Lieutenant to seize the whole plant of a newspaper suspected of containing seditious matter, and to confiscate the entire property. Such a proceeding would cause the ruin of the editor or proprietor, and deprive everyone employed upon it of their bread. Six months afterwards the deprived man might appeal for redress to a jury empanelled by the very authority which had inflicted the wrong, and upon which the Lord Lieutenant's shoemaker and grocer might sit. If these provisions were calmly considered by English and Scottish Members, he had hopes that they would never lend their sanction to such an aggression upon that liberty of the Press of which Englishmen had been wont so loudly to boast. But if the Bill passed in its present shape, he had no hesitation in declaring his conviction, that so far from its benefiting or pacifying the population of Ireland, it would be resisted as one of the most daring invasions of their rights which had ever been attempted.

Lord JOHN MANNERS: The hon. Gentleman who has just sat down has made the discovery that this Bill is the result of a Machiavellian policy, pursued by those who represent Irish constituencies on this side of the House, and advocated by that well-known Tory organ *The Pall Mall Gazette.* The hon. Gentleman believes also that the great object of this Machiavellian policy is to ruin the present Government, aided again by that well-known Tory print *The Pall Mall Gazette.* The hon. Gentleman went on at some length to show that the circumstances of Ireland were not of such a complexion as to justify or show the necessity for the provisions of this measure. He proceeded to prove that if there was crime in Ireland there also was crime in England, and he even went so far as to specify the town of Sheffield, and allude to the crime which has been known to exist there. I would beg leave, however, to remind the hon. Gentleman that the crime of Sheffield has been specially legislated for by Parliament, the Explosive Substances Act having been passed for the purpose of preventing, as far as possible, a particular class of outrages common some years ago in that town. I am free to admit that there is crime in England; but is there that characteristic of crime which this Bill is intended to cope with in Ireland—namely, that crime is not only committed, but is neither detected nor punished? I should have thought the statement of the right hon. Gentleman the Secretary to the Lord Lieutenant, showing that 767 cases of agrarian crime had taken place in Ireland in one year, the Charges of the eminent Judges to whom reference has been made, six in number, all pointing to the terrible condition of those parts of Ireland with which we have to deal, and the paragraphs read by the Solicitor General for Ireland from *The Irishman* and other newspapers, would have proved sufficiently the exceptional circumstances of Ireland, and spared us from listening to the laboured argument of the hon. Gentleman to prove that no exceptional circumstances exist. I pass, however, from the speech of the hon. Gentleman, and will make some reference to the speech of the Solicitor General for Ireland, which we heard last night. I am under the impression that the Solicitor General for Ireland seems rather to think that those on this side of the House who are prepared to support Her Majesty's Government, in, I admit, this very exceptional legislation, by the very fact of their support are debarred from criticizing or canvassing the past conduct of the Government and the time at which this exceptional measure is introduced to our notice. I must say for myself, whilst I do not shrink from the full responsibility of giving a most hearty support to the provisions of this measure, I must claim the right to criticize the past conduct of the Government and the period they have selected for the introduction of this Bill. Before I do that, I wish to supplement what I have said as to the exceptional condition of Ireland at this moment by reading extracts from two letters out of a multitude I have received from Ireland—as no doubt other gentlemen have—showing the fearful condition of society in many districts of that unfortunate country. The first extract I will take the liberty of reading is from a letter written by a lady connected by birth and allied by marriage to several of the greatest Whig houses in the two kingdoms, and married to a resident landed proprietor of large possessions in one of these disturbed districts. The letter was written a few days before notice was given by the Government of their intention to introduce this Bill. The writer says—

> "This wretched country is in an unheard-of state. The non-governing system is ending in complete terrorism. Everyone is dreading what to-morrow may bring forth, and all Mr. Gladstone's sympathies seem engaged in remedial measures to content the disloyal and disaffected, and not one pitying effort made to protect or encourage those who are doing their best to uphold the British Empire in its entirety. Repeal of the Union and a National Parliament are at the bottom or behind all this agitation. The only good feature in this dismal chaos is that the priests are dreadfully alarmed, and are heartily wishing for the suspension of the Habeas Corpus Act, as well as the suppression of the violent Fenian papers."

This is from one of the disturbed districts. The other extract I shall take the liberty of reading is a business letter, in answer to an application from a resident landed proprietor in another disturbed district to have his house insured—

> "National Assurance Office, Dublin,
> "March 10, 1870.
>
> "Sir,—I have to acknowledge receipt of your letter of the 9th instant, with proposal for insurance against fire on house, &c., amount £8,000, which, having been laid before the directors, I am desired to inform you that they are not disposed to undertake the risk."

I ask the hon. Gentleman who has just sat down whether, in the record of crime in England, he can produce instances of such complete social disorganization and disruption of all the ties that bind society together, as are indicated by the two extracts I have read. I come now to the past conduct of Her Majesty's Government with reference to this subject, and the period at which this measure is introduced. The hon. Member has said he believes we are supporting this Bill on this side of the House with a view of saying hereafter to the Irish people—"We, the Tory Members, were reluctant to support the Government in this measure, and you see what it is to have Whigs and Liberals in Office." I am now going to cut that ground, at any rate, from under my feet, for I am going to charge the Government, instead of having been too precipitate, with having been too remiss and too late in introducing this Bill. On the 29th of April last, from information I had received, I felt it my duty to challenge the attention of the right hon. Gentleman the Chief Secretary for Ireland to the condition of agrarian outrages and crime in Tipperary and Westmeath. The right hon. Gentleman on that occasion assured me that the attention of Her Majesty's Government was uninterruptedly devoted to the repression of agrarian crime in those two counties. The statement made by the right hon. Gentleman was thought by independent Members on both sides of the House to be so unsatisfactory that it was immediately challenged by my hon. Friend the Member for Liverpool (Mr. Graves), and on the very next day a long and animated debate took place in this House on the condition of agrarian crime in certain districts of Ireland. Men of great eminence and weight on both sides of the House took part in that debate. Part of the Cabinet spoke. And what was the result? The right hon. Gentleman the First Minister told me that I had been guilty of exaggerated alarm. The language of the Government was, that they would do nothing to repress crime and outrage, except by the machinery they had then in their hands, until they had been able to introduce what they called "consolatory measures." That was on the 30th of April. I remember that at that time agrarian crime was distinctly stated by the Irish Secretary to be confined to the two counties of Tipperary and Westmeath. The circle of crime went on widening. On the 10th of May, again, I called the attention of the Government to the spread of these frightful outrages, and the right hon. Gentleman (Mr. C. Fortescue) told me that the attention of the Government was being directed to the preparation of measures that should have for their object to give more speedy and effective means to the Lord Lieutenant to repress these agrarian crimes. That was on the 10th of May. May passed away. No measure was introduced. The circle of crime went on widening. June passed away. July was almost ended, when my hon. Friend the Member for the county of Londonderry (Sir Frederick W. Heygate) again made a last appeal to Her Majesty's Government. What was then the answer of the Government to the appeal? Parliament was shortly to be prorogued, and the right hon. Gentleman the Secretary to the Lord Lieutenant told the astonished House of Commons that the state of general crime in Ireland was, on the whole, satisfactory, and he believed and hoped that the existing law, put in force by the untiring energy of the Executive Government, would be sufficient to repress and put down agrarian crime in the few districts where it yet lingered. Now, we have had given to us, by the Secretary to the Lord Lieutenant, the figures of agrarian crime during the whole of the year 1869. The number of those crimes was 767. More than that, in the course of the speech with which we were favoured last night by the Solicitor General for Ireland extracts were read from the incendiary newspapers, which, according to the Government, necessitated this Draconian code, as it has been called, being immediately applied to the Press of that country. An hon. Gentleman below the Gangway, when one of these extracts was read, asked for the date. The Solicitor General gave it. What was it? The middle of last year. Now put those two facts together, and what have we? We have a state of crime that was rapidly increasing, bringing the sum total of those agrarian crimes up to 767 in the course of the year. We have the statement as to criminal articles in the revolutionary and seditious Press, which, in the opinion of Her Majesty's Government, call for this stringent measure of coercion, every instance given by the Solicitor General occurring in the spring, or summer, or autumn of last year. And what happens? Parliament is prorogued without any measure being introduced. But before it was prorogued the magistrates of Westmeath had met and formally laid their opinion on the state of the case before the Government. I am not aware that any notice was taken of their representations. Crime went on increasing, and now we are told, by the right hon. Gentleman the Secretary to the Lord Lieutenant, that the reason why the Government took no action during the whole of the last Session of Parliament was that it was not till November or December that the crimes rose to the amount of ten per diem. Let us admit that this was so, and that one of the articles to which the Solicitor General for Ireland last night called attention was dated on Christmas Eve, and what a case Her Majesty's Government have made out against themselves for not introducing this measure the very first day Parliament met! Well, Sir, this short record which I have given of the conduct of the Government will, I trust, spur them on to the discharge of their duties now, and induce them to exercise redoubled energy in putting an end to the state of things which has shocked the public feeling of both countries. I wish I could stop here; but some observations fell from the Prime Minister, at the close of the short debate on the introduction of this measure, which compel me to make some reference to the language used by great and eminent persons in public. I cannot say that I think the Government, or certain Members of it, at any rate, are altogether free from all responsibility for the present state of things, considering the language which they have used during the last fifteen months. My hon. Friend the Member for Londonderry (Sir Frederick W. Heygate)—than whom, I must say, there is not a more guarded or moderate speaker on either side of this House—the other night ventured to say that he thought the Prime Minister had made use of language which, wrested, perhaps, from its original purpose by agitators and demagogues, had produced most mischievous effects. The right hon. Gentleman commented, with some severity, upon this statement of my hon. Friend. But the hon. Member for Salford (Mr. Charley), in the course of the same debate, went more into detail, and reminded the Prime Minister of the now historical reference he made in a speech, I think at Wigan, to Protestant ascendancy as the Upas tree of Ireland, which must be destroyed. The right hon. Gentleman, commenting with great severity on that statement, proceeded to give his own version of what he said at Wigan. I was under the impression, from what the right hon. Gentleman had said in an earlier debate, that he expressed a wish that the Upas simile should never be heard of more in the House, and, in fact, I understood him to express a wish that he had never used it, and that it might be allowed to drop out of memory. But I am now led to suppose that, as often happens with the right hon. Gentleman, I must have misunderstood his meaning, because the other night I heard him reassert and vindicate the famous simile. But on that occasion, I am bound to say, the right hon. Gentleman did not do full justice to his own rhetorical powers, for he said that he had used the old-fashioned simile of the Upas tree to describe Protestant ascendancy, but now it had been cut down and there was an end of it. But this was not the simile. The right hon. Gentleman, having said Protestant ascendancy was a Upas tree, proceeded, in that vein of imagination which characterized him, to endow the tree with three branches: the first was the Church, the second was the land, and the third was education; and he thereupon called on the people of Lancashire and of the United Kingdom to aid him in cutting down these three branches, and then destroying the original stump. As to the Church, no doubt there could be little misapprehension on the part of the people how he intended to cut down that branch. But I am not aware that the right hon. Gentleman ever gave any hint how he intended that Protestant ascendancy in the land was to be dealt with. My impression is that that problem was left to be solved by the excited imagination of the people of Ireland. If so, I think it was the most unguarded and unfortunate expression which he could have allowed himself to use, and which he might be sure would be served up and traded upon by the agitators and demagogues of that country. The right hon. Gentleman says that for the use made of any expression of his he is not responsible. Possibly. But I will give him another instance of an unfortunate expression used by a man in high station, which has been turned to a dangerous use. Another great Cabinet Minister, a few months ago, found it necessary to speak, during the Recess, on the subject of Ireland. That Cabinet Minister is a man of singular caution and moderation—I allude to the Earl of Clarendon. He is reported—and I believe correctly reported—to have stated, in a speech made in England, that certain acts supposed to be done by certain landlords of Ireland were felonious. Now what has since happened? The Solicitor General for Ireland told the House last night that all the Fenian prisoners who had been amnestied, with the exception of two who were Americans, had shown how worthy they were of the favour conferred upon them by the lives they had since led, and the hon. and learned Gentleman particularly instanced Mr. Kickham. Now, unless my memory deceives me, it was not long after this speech of the Earl of Clarendon's, in Hertfordshire, where he uttered that unfortunate expression, that a newspaper in Ireland contained a careful, and, I am bound to add, a logical and exhaustive argument, from the pen of Mr. Kickham, to prove, on the authority of the Earl of Clarendon, that every landlord in Ireland who presumed to regain possession of his land was condemned as a felon and ought to be shot. But that is not all. Mr. Kickham, you may say, is a gentleman of very pronounced opinions, and not apt to be measured in his language. But I hold in my hand a letter which was written the other day from the seat of infallibility by the Roman Catholic Bishop of Meath, Dr. Nulty. It refers to a farm of ten acres, which was held on a tenancy-at-will by a priest. The priest died; but he expressed on his death-bed a wish that the landlord would let the farm to his spiritual successor. But for certain reasons, good or bad—I do not enter into that part of the case—the landlord declined to admit the new priest to possession of the farm of ten acres. Dr. Nulty then writes the letter which I hold in my hand. Having set out the facts as I have related them, he says—

> "The man who holds possession of the tenant's improvements because he is proprietor, and because he plunders according to law holds me up to the scorn of the whole Empire, commits a 'felony'"—

and I beg the House to understand that the word felony is placed between inverted commas, in evident allusion to the expression used by the great Cabinet Minister—

> "commits a 'felony' which English justice and English statesmen I trust will not allow him to repeat."

A few lines farther down in this letter Dr. Nulty takes occasion to inform us that—

> "Standing on a hill that overlooks this farm you can see the spot on which Mr. Featherston was murdered, and also the scene of Mr. Anketell's murder, a few months later."

I say, therefore, that the hon. Member for Londonderry and the hon. Member for Salford were fully vindicated and justified in the expressions they used. But now, having expressed my opinion as to the lack of energy shown by Her Majesty's Government in the past, I fully admit the obligation that rests upon those who hold the opinions which I have expressed to give their cordial support to the passing of this Bill. It seems to me that this Bill contemplates four objects, all of them of the greatest importance in the present unfortunate condition of Ireland. The first is the prevention of crime, the second is the detection of crime, the third the punishment of crime, and the fourth the repression and suppression of the incendiary Press in Dublin. As respects the first point, the prevention of crime, I hope and believe that the new provisions of the Bill, laying restrictions on the sale of arms and gunpowder, and on the use of revolvers in the specially proclaimed districts, the arrest of persons moving about by night, and the arrest of strangers coming into the district, will have some effect. But I own I am not, after all, perfectly satisfied that the suspension of the Habeas Corpus Act would not have a more considerable effect in certain districts for the prevention of crime. There are districts in Ireland in which, not perhaps the actual perpetrators, but the more dangerous and guilty persons, the men who are the instigators and paymasters of the assassins, are well known. There are districts in Ireland where at this moment the police could put their hands upon the heads of the Ribbon conspiracy, and under the suspension of the Habeas Corpus Act undoubtedly that result would be assured. But what would be the effect of this step upon the assassins themselves—the humble bravos who for £2 and a bottle of whisky would assassinate any man, or woman either, that was pointed out to them? My impression is that they would be paralyzed when they saw their masters in prison, and that, alarmed and apprehensive from this action of the Government, they would take one of two courses—either they would fly the country, or when they saw Government was in earnest, and that the power of the law could no longer be resisted, they would come forward and give evidence against their instigators and employers. I believe that that would be the effect, in all human probability, in certain districts in Ireland. But I admit fully to the Government that they must be the best judges. They have acted on the responsibility of their office, and from a survey of all the circumstances resolved not to ask Parliament for this power, and therefore I do not press it. Now, I come to consider the provisions that are made for the detection of crime, and I think that these provisions of the Bill promise well. The power of searching for documentary evidence, the power of punishing witnesses who refuse to give evidence, will go some way in the detection of crime which has hitherto eluded our grasp. I am, however, afraid that in some cases an almost insuperable difficulty will be experienced, because it is not only that in some districts witnesses are reluctant to speak the truth, but, beyond that, I fear the gangrene in the heart of those districts is so deeply seated that many men when put into the witness-box, and compelled to speak, will not hesitate to perjure themselves in order to prevent the detection of crime. I do not say this on my own authority, but from a conversation which I had last year with a Roman Catholic professional gentleman of eminence and experience, in which he informed me that although, when he first became acquainted with the district in which he resided, the peasantry, when called upon in court to give evidence on oath, were as reliable as witnesses of any other class or in any other country, he had since noticed a melancholy and lamentable change come over them, so that now they did not scruple to perjure themselves—nay, in some cases seemed to take a positive pride in doing so, in order that the criminal might escape and his crime go unpunished. It will be impossible for this Bill to be successfully applied to districts where such a feeling prevails; but so far as human legislation can deal with such a state of affairs, I think the provisions of this part of the measure will be efficacious. As regards the punishment of crime I am not so sanguine, for the only provision in the

Bill is that which facilitates a change of venue, and there is already evidence of the futility of that course in what occurred on the trial of Barrett for the attempted murder of Captain Lambert. The hon. Member who spoke last told us that there were peculiar circumstances in the case of Barrett which should prevent us coming on that case to any conclusion with respect to the effect of the proposed change. I admit that the circumstances are peculiar, for what occurred at the trial in Galway? While the jury were in deliberation in the room one of them threw up the window and flung down to the excited mob outside a slip of paper containing the names of the jurors who were favourable to conviction. That, I hope, was an exceptional circumstance. But we must remember that the same failure of justice occurred at Dublin; and if a verdict according to the evidence cannot be obtained in Dublin, I know not where you are likely to obtain it. It seems to me that the power of changing the venue would be made more effective if at the same time you gave the Judge who is to try the case the discretion of certifying for a special jury. If you did that you might have some hope that the most atrocious crimes would no longer go unpunished. The last point of the Bill is the suppression of revolutionary and seditious papers. There can hardly be two opinions as to the severity and power of the provisions, for the opposition to the second reading has been mainly based upon them. But if they are too severe and stringent an opportunity of considering them will be afforded in Committee. For the present I give them my cordial support. But while I freely admit and hope that the Bill, if pressed forward with energy and acted on with firmness by the Government, will do something to check these outbreaks of agrarian crime, I must at the same time say that circumstances which are patent, admitted, and notorious —the relations which exist between the Executive Government and the classes in Ireland who are to carry this measure into execution — fill me with alarm and apprehension. Both the Secretary to the Lord Lieutenant and the Solicitor General for Ireland have stated, in the course of this debate, that the Government have only a limited confidence in the magistracy of Ireland. Well, Sir, but after the speech we have heard from the hon. Member for Clonmel (Mr. Bagwell) and the statements I have read as made by a noble Marquess in "another place," as well as from a document circulating in Ireland, expressing on the part of a large portion of the magistrates their opinion of the conduct of the Government towards one of their number, I think I do not go too far when I say that, however limited may be the confidence felt by Her Majesty's Government in the magistrates of Ireland, it is more than reciprocated by the magistrates of Ireland towards Her Majesty's Government. I cannot conceive anything more alarming than this condition of affairs. We are going to place unreserved powers in the hands of the magistrates. Everything, humanly speaking, as to the immediate future, depends upon the most frank, intimate, and cordial communication between the magistrates and the Government, and when we see divisions and mutual distrust it opens up a sad prospect as to the operation of this measure. I wish the magistrates of Ireland could be induced to regard this measure as a proof of the new and restored confidence which the Government is disposed to put in them. I hope we shall hear no more of such statements from any Member of the Government as those to which I have referred. With fully-restored confidence, and the establishment of cordial relations between the Executive Government and those classes which contain among them the wealth, the enterprize, and the education of Ireland, a measure of this kind may produce tranquillizing effects. But if it is otherwise, you may, on the one hand, disestablish and plunder the Church, you may diminish the proprietary rights in the land of the gentry of Ireland, and hand over the primary education of the country to Cardinal Cullen and Bishop Nulty, and attempt, on the other, to cope with the outbreaks of agrarian crime and with the publications of an incendiary Press by exceptional laws of this kind; but rely upon it, you will not succeed in restoring contentment and prosperity to the country, because prosperity and contentment can only come by, and through, and in the wake of peace, order, and good government.

MR. CHICHESTER FORTESCUE said, he was unwillingly obliged, when introducing this Bill, to detain the House at considerable length; and he was not disposed to repeat that process on this occasion; but he was bound to make some observations on the criticisms directed against the Bill. The most important of the charges urged against the Government by the noble Lord who had just addressed the House related to the time at which they resolved to introduce this repressive measure. On that point he should touch presently; but in the last part of his speech the noble Lord made some observations which he must notice very shortly. The noble Lord fell foul of a Colleague of his, the noble Earl the Secretary of State for Foreign Affairs, for a single epithet used by him in the course of what he might call a Conservative speech on the Irish land question. That epithet was, he believed, well deserved and appropriate on the assumptions and under the restrictions with which his noble Friend connected it; but it had been singled out of his speech by the organs of the extreme party in Ireland; and now, on the principle that extremes meet, the noble Lord had attempted to use for his own purpose that epithet which had been improperly and unjustly used for their purpose by politicians differing very much from the noble Lord. What did the Foreign Secretary mean? The noble Lord knew well what he meant, and he (Mr. Chichester Fortescue) believed at the bottom of his heart the noble Lord agreed with the epithet as it was meant to be used by Lord Clarendon. The Foreign Secretary supposed a case in which the landlord, contrary to moral equity and principle, appropriated to himself the improvements made on his estate with his own consent, express or implied, by the tenant; and in describing such conduct the noble Earl used a condemnatory epithet of great force and pungency. The noble Lord spoke of the Foreign Secretary as if he were a person who encouraged turbulence and agrarian outrage. Now, he could not think that worthy of either the noble Lord or his party. In all essential respects the Foreign Secretary was, in the truest sense of the word, as Conservative as the noble Lord himself; and in the speech referred to he condemned nothing which the noble Lord himself, when not speaking as a partizan, would hesitate to condemn. The noble Lord had also spoken of the little confidence the Government reposed in the magistrates of Ireland. That, too, was an extraordinary attack, considering the provisions in the Bill now before the House, and considering the view taken of those provisions by some of the political friends of the Government below the Gangway. The Bill would confer powers on the magistracy and on grand juries which were not at all approved by the hon. Gentlemen to whom he referred. The Government did not show any want of confidence in the magistrates—[Lord JOHN MANNERS: Not by this Bill]—they did not show any want of confidence in the magistrates by the provisions of this Bill. The noble Lord had put his own interpretation on isolated and rare occurrences, in which the Government had been brought into collision with two or three gentlemen in that position. But the Government had only exercised what they considered a painful and imperative duty. The truth was that the provisions of the Bill showed no want of confidence in the magistrates of Ireland, and although they might be open to attack from their own supporters, he thought that they had steered a fair course as regarded the magistracy. They gave certain powers to the magistracy of Ireland, and thus at the same time did that which the hon. Member for Clonmel (Mr. Bagwell) in his marvellous speech—in which in one sentence he spoke as the highest Tory and in another as the deepest Radical—repudiated as an insult to the magistrates of Ireland. They had provided that when acting under the Bill a stipendiary magistrate should be present. He was sorry that his hon. Friend the Member for Clonmel, in his original way of looking at things, should look upon that as an insult to the magistrates of Ireland. It was not so intended, and he did not believe the gentlemen who held the commission of the peace in Ireland would take it so. The Government were of opinion that, while the justices of the peace might properly have jurisdiction in a certain class of cases, action should not be taken in such cases under the Bill without the presence of a magistrate in immediate and official communication with the Government. In carrying out the provisions of such a Bill as this the Government would require the assistance of magistrates whose services they could call for at any time, and by whom they would be officially informed of everything done by the magistrates in administering the law under an exceptional statute. They also felt it important to have magistrates present who would be out of the reach of local influence. That he believed to be a most important provision, but one by no means derogatory to the gentlemen who held the commission of the peace in Ireland. He might add that the Government meant to enable the Lord Lieutenant to appoint temporarily an increased number of resident magistrates to work the provisions of this Bill, and to secure that those provisions should be fully carried out. His hon. Friend the Member for the county of Cork (Mr. Downing) thought that no case had been made out for the introduction of a Bill of this kind. He believed his hon. Friend was almost singular in that view; and that he had allowed his judgment in the matter to be too much influenced by the absence of agrarian crime in the great county he represented. Though in the towns of the county of Cork there was a large amount of sedition and lawlessness which required constant watchfulness and repression, it was perfectly true that agrarian crime scarcely existed at present in the county of Cork, and scarcely ever did exist to any extent. They did not rest the Bill on the condition of the whole of Ireland; on the contrary, they rested it on the condition of certain parts of Ireland, with which they could not successfully grapple under the present law. His hon. Friend had spoken of the exaggerated statements made in respect of the state of Ireland. On that point he, to some extent, agreed with his hon. Friend; because while the amount of undetected crime in Ireland was a full and complete justification for the introduction of the Bill, he thought, with his hon. Friend, that there had been a great deal of exaggeration. Even in the course of the present debate expressions had been used by Gentlemen of high authority which went much beyond what the facts warranted. In fact, if things were as bad as they had been represented in some quarters, this Bill would be useless. Certainly he, for one, would despair of dealing with such fearful evils as some hon. Gentlemen had described by legislation like that proposed by the Government. He would not enter into a discussion on the details of the Bill; but there was one point referred to by his hon. Friend, on which he wished to say a word. He specially singled out the clause in which power was given to the magistrates, even in cases in which no prisoner was charged, to examine witnesses on oath under the usual penalties to which witnesses were subject when there was a prisoner in the dock. Now, that he believed to be one of the most valuable provisions of the Bill, and one thoroughly suited to the present condition of things in Ireland, which was the best justification it could have. For the question in all these cases was, not whether your legislation appeared to be strong and stringent, but whether it was adapted to the object in view. By that provision they introduced no new principle into the law—no principle more adverse to the witness than the law now was. If the present law was right, the change now proposed was equally justifiable. At present, provided some person was actually charged with the offence and put into the dock, all the powers given by that clause were applicable to every witness; and it was now merely proposed that when, as was too often the case, no prisoner could actually be charged and put in the dock, but where there was a previous examination, and there was every reason to believe that certain witnesses were able to give that same information to the court which they would give if any prisoner were actually charged, the witnesses should be treated in the same way as now, when the accused was produced. That provision was one of great importance for the detection and punishment of crime. He wished next to say a few words on the speech of the Mover of the Amendment, whom he was sorry not to see in his place. The hon. Gentleman (Mr. Moore) constructed his plan of operations against the Bill in a very ingenious way. In giving his reasons for not agreeing to the second reading, the hon. Gentleman said, first, that the Government had totally neglected to use the means at their command; and, next, that he objected to the connection of any legislation against the Press, any political legislation, with those provisions which were directed merely against a low and vulgar class of agrarian crimes. The hon. Member, in words which certainly caused him some astonishment by their audacity, asserted that so far from the ordinary powers of the Government being exhausted, they had not even been tried. For that assertion, however, he did not give, or attempt to give, the slightest shadow or tittle of proof. The only approach to evidence for it, which he of course implied, was the unfortunate fact, known by all, and by none more than by himself, that in the disturbed districts of Ireland the present Government, like many other Governments, had not been able, under the ordinary powers it possessed, to put an end to that state of agrarian turbulence and crime. But was this the first time that an Irish Government had failed, even during long periods, to suppress agrarian turbulence? He might remind the House, in passing, that in dealing with that state of things, among the difficulties it had to contend with—and he believed no Irish Government had greater difficulties to contend with in dealing with agrarian crime—was the fact that the present Government was the first which for some years had undertaken the task of governing Ireland under the ordinary law of the land. No Gentleman on the front Bench opposite could blame him for observing that the late Government, which did its work very well in repressing crime and keeping the peace in Ireland, never governed that country for a single hour with the Habeas Corpus Act in force. That Act was suspended throughout their whole term of Office; and it was scarcely possible to exaggerate the difficulty inevitably caused by the transition from that condition of things to the attempt to govern Ireland under the ordinary law. Immediately on the restoration of the Habeas Corpus Act every dangerous and disaffected character driven out of the country by its suspension could return to it, and a number of lawless men then came back from America, and had been doing mischief ever since. [" Hear, hear!"] Did those cheers mean that they ought to govern Ireland for ever without the ordinary guarantees for personal liberty? He was only showing how the difficulties of the present Government had been increased by the transition from an exceptional to an ordinary state of the law, and by those characters being able to return to use their dangerous influence in Ireland. But, he asked, was this the first time an Irish Government had failed to put down agrarian crime in certain parts of that country? Had not Governments failed at a time when these crimes were far greater than now, and when Parliament was asked, as now, for larger powers to repress it, but those powers were refused? He spoke of the period of 1847, when the extent of such crime was far beyond that of 1869, and of 1846, when the Government of the day applied to Parliament for further powers, which were denied them. But between 1847 and 1852—during which period the Government had obtained certain moderate powers under the statute called by the startling name of the Crime and Outrages Act—the whole amount of Irish crime, including that of an agrarian character, far exceeded that of 1869, or that which now exists; and yet he was not aware that any Irish Government was condemned on the ground of not having done its best to keep that crime in check. He had no doubt those past Governments had done their best, and had accomplished much for that purpose, as the present Government had done, although they were not able to put an end to the existing state of intimidation. But the hon. Member for Mayo went so far as to say the Irish Government had actually abdicated its functions, that it was in a state of positive coma, and for months past had done nothing. That statement was almost peculiar and exclusive to the hon. Member for Mayo; it was certainly not supported in the important speech made on the previous night — he meant that delivered by his right hon. and learned Friend the Member for the University of Dublin (Dr. Ball)—with the greatest ability, fairness, and public spirit; because, although his right hon. and learned Friend had a very strong opinion, which he expressed with his usual force and candour, as to the time at which they were asking Parliament for those additional powers, he did not condemn the Government of Lord Spencer, or himself, for any indifference or any neglect to make the best use of the powers they possessed. The hon. Member for Mayo did not seem to know the condition of his own county; but let him ask any Mayo magistrate, who knew its condition, whether the Government had shown any indifference or slackness in the exercise of its powers. On the contrary, he would be told that the Government and the police had done all in their power to put down crime. They had sent there a large force of military and police; detachments of police were stationed at various points over large districts; the roads were at this moment daily and nightly patrolled with the greatest energy and vigilance; and all that was needed for the successful use of the force they had there was exactly the additional powers they now asked for, which, he believed, would increase ten-fold the effect of the police and military force already despatched to that and other disturbed districts. The hon. Gentleman spoke as if he (Mr. C. Fortescue) was totally indifferent to that lamentable state of things, and quoted, for about the fiftieth time, the letter written in his name, on the part of the Lord Lieutenant, to the magistrates of Meath, stating that the Government would welcome any opinions or suggestions they had to make on the state of crime and its suppression in their own districts. Did the hon. Member pretend to believe that because they sent that letter the Government therefore folded their arms, or in the least degree relaxed their efforts to keep the peace and check crime in that county? Such an idea could only be the offspring of the most heated and unfair spirit of partizanship. The few persons, either in or out of that House, who used such language respecting the Irish Government, could have little notion of the constant anxiety, labour, and vigilance which he must in all sincerity say had been displayed by every member of that Government throughout the difficult and trying months of the late autumn and winter. The hon. Gentleman, in the second place, opposed the second reading, on the ground that the Government had improperly combined in the Bill measures of repression against the Press with measures intended to deal with what he treated as a vulgar and contemptible form of crime—namely, agrarian conspiracy and outrage. The hon. Member was not right in his facts. The other provisions of the Bill—excluding the clauses relating to the Press—did not deal solely and exclusively with Ribbonism and agrarian crime. On the contrary, they were calculated, many of them, to deal also with the crime, outrage, and danger arising from Fenianism and political conspiracy. He was quite as well aware as the hon. Member that Fenianism and agrarianism were not the same. With respect to their leaders and objects they were very different; but in actual operation in certain districts in Ireland, and he believed in Mayo, there was a certain amount of combination and union between them; for it often happened that the same person in a locality was a member of the Fenian conspiracy, and also an agent of mischief and a leader in outrage and agrarian crime. It would be a great mistake to suppose that there were no provisions in the Bill directed against the Fenian conspiracy. All those provisions against the sale and purchase of arms were as much directed against the Fenian conspiracy as against agrarian crime. They knew very well that Fenianism, though not showing much on the surface, had not ceased to be a danger in Ireland, and that everything was done to purchase arms and introduce them into the country. That process was going on to a degree which it was not easy to specify. But there were many provisions in the Bill relating to the possession and the robbery of arms which would be equally applicable to dangers arising from the Fenian conspiracy, whenever they should come into play, and to agrarian crime. And when the hon. Member protested against the introduction into a Bill like this of clauses intended to control the licentiousness of a dangerous and seditious Press, he had quite forgotten the object and the very name of the measure before the House. If they were to have a Peace Preservation Bill for Ireland, he knew no clauses more fairly conferring that title than those by which that Press, which week after week inculcated among the people of Ireland a spirit of lawlessness that showed itself in many ways, sometimes in the form of Fenianism and sometimes in the form of agrarian crime, was to be controlled. He had only a word to say with respect to the hon. Member for Dundalk (Mr. Callan), who seconded the Amendment. His hon. Friend rested his opposition to the Bill mainly upon what he assumed to be the inefficiency of the Irish police, which he, as well as other hon. Gentlemen took for granted, without the slightest attempt at proof or indication of proof, beyond the fact that he had received a threatening letter, the writer of which had not been detected by the police. He need hardly remind his hon. Friend and the House, that of all crimes there was none more difficult to detect, expose, and prosecute to conviction. In proof of that, he need only refer to the Charges of the Judges; though in several cases the writers had been convicted and received the punishment of their crime. But if his hon. Friend would look back to what had occurred under former Governments, he would find that the proportion of convictions to the writing of threatening letters had been very trifling; because it was impossible, in the vast number of instances, to furnish a jury with evidence sufficient to bring home the charge to the accused. He must say that those vague charges against the police, which were apt to be put forward for the purpose of getting rid of measures like the present, and of pointing out certain other remedies which had been suggested over and over again, were most unfair to that distinguished body of men. Upon this point he would like to read to the House a few words from a very impartial authority, a gentleman who, for half a century, had been Crown Solicitor for the county of Meath, and who was thoroughly acquainted with the history of crime during that period. They were contained in a Report from that gentleman to the Attorney General for Ireland. The Crown Solicitor for Meath said—

> "It has become the fashion of late to malign this invaluable body as well as the Government, because, as it is said, crime is not discovered, proper exertions are not made, and its perpetrators are allowed to go unprosecuted and unpunished; but such assertions can emanate only from those who are either ignorant of, or do not choose to acknowledge, the difficulties with which the constabulary and the Government are surrounded and beset, and with which they have to contend; but if they were to know, and witness as I have done, the untiring efforts of the police—often most painful to see—to obtain evidence, and their deepfelt disappointment, they would cease to undervalue and to abuse a force which for efficiency and good conduct has no parallel, and without which crime would run rampant through the country, and life and property would be a thousand-fold more unsafe than even now."

He did not know why he should not read what followed. The same gentleman said—

> "I have already stated what I know to be the fact, that at no former period for the last fifty years has the Government been surrounded by so many difficulties as regards the suppression of crime, and that at no former period has greater watchfulness or anxious care been observed, or greater efforts made for the discovery of evidence."

[Mr. CONOLLY: What is his name?] Mr. Seed; but his name made no difference, it was the experience that he had which lent so much weight to his words. Now, the most serious charge against Her Majesty's Government—a charge which was made by men of weight and authority—by his right hon. and learned Friend the Member for Dublin University (Dr. Ball), by the right hon. Member for Oxfordshire (Mr. Henley), and the noble Lord who had just sat down, was that the Bill was too late for the necessity of the case, and that it was the duty of the Government to have introduced it sooner. The right hon. and learned Gentleman the Member for Dublin University talked as if they ought to have introduced it long ago, meaning probably in an autumn Session; but the language used by the right hon. Member for Oxfordshire was that it ought to have been introduced five weeks ago, or immediately after the meeting of Parliament, and that he took to be the real charge. But of all charges it was possible to make against a Government he knew none easier to put forward than that a measure of this kind ought to have been introduced before. The responsibility of introducing a measure of this kind was very great, and it was for the Government to consider and decide, under the sense of that responsibility, the precise time when they ought to ask Parliament for such powers. But one thing he was prepared to say in opposition to the opinion given by the right hon. and learned Gentleman the Member for the University of Dublin, and that was that Her Majesty's Government advisedly did not intend to make this Bill what that right hon. and learned Gentleman called "the cardinal and essential measure of the Session." When he heard these words of the right hon. and learned Gentleman they appeared to him to carry in them their own condemnation. What would have been the condition of the Government, and not of the Government only, but of Parliament, if it appeared to the people of Ireland, or even the people of the United Kingdom, that this measure of painful but necessary repression was "the cardinal and essential measure of the Government in the Session of 1870?" These were the very words used by the right hon. and learned Gentleman. To have so treated this measure, or to have given the people of Ireland the slightest shadow of an excuse for believing that such was the nature of the policy of Her Majesty's Government, would have been the greatest calamity; and it was for the purpose of making such a calamity impossible, and of giving a fair chance not only to this measure, but to the far greater measure which they had in hand, that they had resolved, no doubt with great difficulty and under a very grave sense of responsibility, not to make this proposal to Parliament in the first place; and he was confident that the result had proved they were right. Expressions had been used in the course of the debate, especially by the right hon. Member for Liskeard (Mr. Horsman), and indications of opinion had been given, which showed that if this Bill had been introduced when Parliament first met it would have had a very different reception. It would have been introduced under very different auspices both with respect to that House and to Ireland. Its moral effect would have been miserably weakened in comparison with what it now appeared to be, and, instead of losing, Her Majesty's Government had actually gained, with respect to the effectiveness of the Bill, by the delay which they decided to interpose before its introduction. He did not mean to deny that circumstances might conceivably have occurred at the commencement of the Session which might have rendered the instant introduction of such a measure imperative; but he maintained not only that such circumstances had not arisen, but that there had been much exaggeration respecting the amount of crime in Ireland. In proof that such exaggeration existed, he need only refer to the statement made by the right hon. Gentleman the late Chief Secretary (Colonel Wilson-Patten) that the state of things in Ireland resembled that which existed in France during the Reign of Terror—a kind of language which only showed what a vast amount of exaggeration and panic must exist in the minds of those less able and less well informed than was his right hon. Friend. There was, undoubtedly, a system of intimidation existing which they had not hitherto succeeded in repressing; but there was not such urgency and overpowering danger as to preclude the Government from exercising any discretion as to the time when this Bill should be introduced. No agrarian murder had at that time been committed since October; they were not on the eve of an insurrection; when they talked of 700 agrarian outrages it was necessary to know and distinguish the nature of those offences; and although it was true that a system of intimidation prevailed in some counties which was intolerable, which they could not tolerate, which they did not mean to tolerate, and which was liable to spread, yet to say that when Parliament met the state of things in Ireland was in such a condition as not to leave the Government any discretion within a limited time when they should bring in this Bill, was a gross exaggeration of the facts of the case. He believed that, at the opening of the Session, they had a discretion as to the question of time. It was, no doubt, a responsible and painful one, and one which, to the Irish Government especially, had been very trying; but nevertheless the condition of things at that moment was one which, considering the reasons he had indicated to the House, of a grave, permanent, and political character, in which the future welfare of Ireland was so deeply involved, admitted of a certain delay. Acting upon that conviction, the Government had adopted the course they had pursued, in first endeavouring to secure the consent of Parliament to what they believed was the greatest and most vital measure ever proposed for the permanent benefit of Ireland, and had advisedly waited till now before introducing the present Bill. He could only repeat that the delay with which they had been charged had not been a loss, but a gain, both to the prospects and moral effect, not only of this measure, but of that other and far greater measure which they had in hand; and by the course which they had adopted they would, he believed, be brought nearer to that which was their constant endeavour and desire—namely, whether by material force for the moment, or moral force for the future, to effect the pacification of Ireland.

SIR THOMAS BATESON said, he had listened to the speech of the right hon. Gentleman the Chief Secretary for Ireland with some interest; but he had only attempted to grapple with that part of the exhaustive and argumentative speech of the noble Lord the Member for North Leicestershire (Lord John Manners), in which the right hon. Gentleman had endeavoured to extricate the noble Earl the Secretary for Foreign Affairs from the inextricable position in which he had placed himself. The Chief Secretary for Ireland had endeavoured to excuse the impotency of the Irish Government on the plea that they had not had the advantage of the suspension of the Habeas Corpus Act which he said their predecessors had; but the right hon. Gentleman and his associates were responsible for its withdrawal. It was rumoured in Ireland that the hardworking officials who were responsible to Government for the maintenance of peace, law, and order in that country urged upon Her Majesty's Government, when they came into Office, to retain the suspension of the Habeas Corpus Act, and it was further rumoured that when it was refused, they said—"For goodness' sake give us power to retain it in one or two parts of the country," but that was also refused them. The right hon. Gentleman can state whether or not this rumour is true. The Government took the responsibility upon their own heads, and the difficulty was of their own making. [Mr. GLADSTONE: Hear, hear!] He was glad to hear the right hon. Gentleman acknowledge his error, and that the difficulty they had now to contend with was one of his own making. He was, on general grounds, opposed to Her Majesty's Government; but he was ready to give them a cordial and hearty support in carrying this or any other measure that was calculated to restore peace, law, and order to his unfortunate country. At the same time, he reserved to himself the right of criticizing their acts both of commission and omission. He would not now allude to Mr. Madden's case nor to Lord Granard's case, because they would be brought before the House on Tuesday next. It had been said that it would be very unfair to refer to Lord Granard's case in his absence; but it should be remembered that the noble Lord was a Member of the other House, where he could defend himself, and that he would here be ably defended by the Solicitor General for Ireland, than whom no learned Gentleman was more competent to make the best of a bad case. In 1867-8 the amount of agrarian crime in Ireland was small; and in 1868, even after the Prime Minister had commenced his crusade against Protestantism in Ireland, owing to the firmness of the Executive in that country, the amount of agrarian crime was exceedingly small. In the autumn of that year the Prime Minister commenced his election tour in South Lancashire. He would not go so far to describe his speeches as semi-seditious as the hon. Member for Mayo (Mr. Moore) had done, but this he would say, the violent, and inflammatory harangues of the Prime Minister, when bidding for the Irish Roman Catholic vote in Lancashire, were reproduced in the Irish Press, read throughout the length and breadth of the land in every cottage and in every hovel, and tended to promote and produce the excitement, the irritation, and bad feeling which has ever since gradually been increasing. He would not here allude to the Upas tree of the right hon. Gentleman further than to advise him not to open up the question again. His message of peace had been a sword. He had let loose the dogs of war; and, during his (Sir Thomas Bateson's) memory, Ireland had not been in such a disorganized state as at that moment. He believed that this measure had not been brought forward sooner, because it was the keenest satire and the most stinging sarcasm upon their policy It would not, he believed, have been brought forward even now had not such a measure been repeatedly demanded by the Liberal Press in England; and still the gravity of the present crisis was so little recognized by the right hon. Gentleman that he had not introduced this measure himself, but had allotted that task to the right hon. Gentleman the Chief Secretary. The right hon. Gentleman himself introduced the Irish Church Bill last year, and he would not do him the injustice to say that that Bill had not produced some effect in the North of Ireland, because it had almost doubled the number of the Loyal Orangemen of Ulster, and he could only say that if the right hon. Gentleman remained in Office long enough it was probable that almost every Protestant in Ulster would become an Orangeman. The right hon. Gentleman, in one of his speeches in the autumn, said he was stimulated to pass a communistic land Bill because the intensity of Fenianism had induced him to take up the Irish Church question, [MR. GLADSTONE: I did not say so.] He was reported to have said so, and he (Sir Thomas Bateson) was glad to hear the denial. He would not refer to what the right hon. Gentleman the President of the Board of Trade had said, because the right hon. Gentleman was absent, and because he believed that that right hon. Gentleman had moderated his views just as those of the right hon. Gentleman at the head of the Government had advanced. He would, however, quote from another speech. He had always been simple enough to believe that the Home Secretary was the personification of law, order, and moderation. Now, the present Home Secretary was reported in a Welsh paper to have said, when canvassing the electors of Merthyr—

> "Was it not a deplorable fact that only 7 per cent of the land belonged to the Roman Catholic population? Such a state of things could only have been brought about by the enactment of the most cruel and infernal laws that ever were enforced upon a people."

There, then, was the Home Secretary, who by his oath of office was bound to administer the laws equally, characterizing them as infernal. He wished to ask whether, when this speech was reproduced in Ireland, and after it became known that the right hon. Gentleman who made it was appointed to the office of Home Secretary, the turbulent section of the Irish people did not naturally say to themselves—"At length we shall have Ireland governed according to Irish views. We shall no longer have to suffer from the operation of the infernal laws." That, at least, was a very fair inference to draw from the speech. Passing from that, the right hon. Gentleman the Chief Secretary for Ireland had endeavoured to excuse the speech of the noble Earl the Secretary of State for Foreign Affairs by saying that it was a Conservative speech, and made use of in a way that was not meant to hurt the feelings of anybody. Conservative or not Conservative, that speech was reproduced in Ireland, and circulated throughout the length and breadth of the land. It was quoted from the platform and in the pulpit, and notwithstanding what had been said in its palliation, he felt confident that to the use which was made of that speech in Ireland several of the murders which had been committed were distinctly traceable. Of course, he quite acquitted the noble Earl of any such intention as that of exciting the people of Ireland to the perpetration of such deeds; but that they had had such an effect he was perfectly certain. Men occupying the high position of the noble Earl could not be too careful in their utterances. The noble Earl was diplomatist enough to know that in speaking upon such a subject as that contained in the speech referred to he ought to weigh every word scrupulously. And yet the noble Earl did not make his remarks during the heat of an election contest, but at a provincial dinner table. He thought the language which the noble Earl made use of upon that occasion was very much to his discredit. Leaving that, he would now come to more general matters. When the present Government came into Office their first act was to liberate the Fenian prisoners almost wholesale. Those very men were set at freedom whose conviction had only been obtained at the risk of the lives of Judges and jurymen. Was not that, to say the least of it, a slap in the face to the juries who had convicted them? And what, might he ask, was the result of such conduct? Why, during the last twelve months, there were no less than thirty-three murders, or aggravated attempts at murder, in Ireland, and Government had not been able to secure a single conviction. Might that not very reasonably be in some measure attributable to the manner in which those juries had been treated who had honestly and fearlessly striven to perform their duty? It had been admitted by the Government that the presence of one partizan among the jury was sufficient to defeat the ends of justice, and yet they still hesitated to introduce any alterations into the law relating to the constitution of juries. His own opinion was that some modification of the Scotch system, by which the decision of ten out of a jury of fifteen would be sufficient for conviction, would prove effectual in Ireland. Last year the hon. Member for Liverpool (Mr. Graves) brought forward a Motion on the subject of outrages in Ireland; but the Government declared that the existing law was amply sufficient, and rejected his Motion. Mr. Anketell was brutally murdered on the 3rd of March at Mullingar; and on the 15th of March extra policemen were quartered on the town. On the 24th the inhabitants memorialized to be relieved from this expense; but, by order of the Lord Lieutenant, a reply was forwarded, stating that the additional police had not been sent down until the local magistrates had been consulted; and, moreover, that the Government had every reason to believe there were many persons residing in the town of Mullingar who had culpable knowledge of the persons by whom the crime had been committed. But the lamented Under Secretary (Sir Edward Wetherall) died, and under the new *regimé*, without any cause or reason being assigned, these extra police were withdrawn; and this, he was informed, had been done upon the representation of the junior Member for the county of Westmeath, to whose family the property in the town mainly belonged. The right hon. Gentleman the First Minister of the Crown would correct that statement if he was wrong. [Mr. GLADSTONE: I have no knowledge of the transaction.] The right hon. Gentleman the Chief Secretary for Ireland probably had some knowledge of it; and he was sorry to find that he was not now in his place. The celebrated case of the Meath magistrates was another example of the manner in which Government treated questions of the gravest importance. Twenty-seven magistrates of that county met in deliberation, and memorialized the Government to protect their lives, and put down the horrible agrarian conspiracy. So deplorable, indeed, had the state of matters in that county become, that shortly after the right hon. Gentleman acceded to Office gentlemen were obliged to go out hunting with revolvers in their pockets. [An hon. MEMBER: "Oh!"] Hon. Gentlemen might cry "Oh!" but those who did so had no knowledge whatever of the reign of terror that existed in Ireland. And the hon. Member for Nottingham, though he might have some acquaintance with Nottingham lambs, had no knowledge whatever of the state of Ireland. Why, one gentleman, Mr. Nicholson, went out hunting with his groom carrying a double-barrelled rifle behind him. This Meath magistracy case had been referred to in the House; but little satisfaction had been derived from the Government. The answer given upon the subject by the Chief Secretary, in answer to the noble Lord the Member for North Leicestershire (Lord John Manners), was of the most miserable character. His conduct upon that matter had been aptly described as vacillating and undignified, and one Liberal London paper had gone the length of declaring that it was mere "scrambling impotency." During the past two days he (Sir Thomas Bateson) had been looking over the speeches of the Prime Minister delivered during his celebrated tour in South Lancashire. Upon one of those occasions, the right hon. Gentleman had characterized the conduct of the loyal Orangemen of Ulster as odious and dreadful. [Mr. GLADSTONE: Where? Quote the passage.] In the speech at Wigan, reported in *The Times*, he believed, of October 24; he had not the paper with him, but he would furnish the right hon. Gentleman with the passage to-morrow morning. The loyal Orangemen of Ulster certainly said that the Prime Minister described their conduct as odious and dreadful. "But," they added, "he has never made use of such strong language with reference to the perpetrators of agrarian outrages, or the leaders of the Fenian conspiracy." Those loyal men of Ulster said—"You called our Church Protestant ascendancy, and you have destroyed it. But what, let us ask, is the ascendancy which you now have at Dublin Castle?" Again, the Chief Secretary had described the proceedings of the Ulster Orangemen as worthy only of the inhabitants of an African village. Now Ulster was, at the present moment, peaceable and obedient to the law. He did not mean to say that the people of that Province were satisfied. On the contrary, very strong feelings of dissatisfaction prevailed among them. The Government's conduct in destroying the Church still rankled in their breasts, and that conduct would never be forgotten nor forgiven. "Worthy only of the inhabitants of an African village," said the Chief Secretary; but he (Sir Thomas Bateson) would ask the right hon. Gentleman whether such remarks were not more applicable to other people in Ireland than the Orangemen? Were they not more applicable to the men who mutilated an unfortunate farmer by cutting off his nose? Were they not more applicable to the men who murdered an egg merchant in Mayo, because he had raised the price of his eggs 1*d*. per dozen?

Were they not, in short, much more applicable to those who shot down a farmer in open noon-day because he dismissed a negligent or dishonest servant? Such remarks were much more applicable to persons outside Ulster than to the loyal Orangemen. The state of affairs, some of whose deeds he had been narrating, had been brought about to a very large extent by the inaction of the Government. Last year they were urged to take action before it would be too late. They were told that the monstrous conspiracy was growing day by day; and yet they took no notice of it, but allowed it to grow and increase and spread its ramifications over the whole length and breadth of Ireland. Formerly the disorders had been confined to Westmeath and Tipperary; but now they prevailed over all the land. What, for instance, was the present state of affairs in Mayo, which, at one time, was one of the most peaceable and orderly of all the counties of Ireland? He had in his hand a letter written by a lady, which gave the following terrible picture of the state of affairs there:—

> "You two years ago prophesied that if the Church Bill passed no Saxon could live in Ireland. Your words are being so terribly fulfilled that I write to ask you whether this county will become one of the proclaimed districts. Nothing could be much worse than my part of the country is just now. My husband would have called upon you to hear what you had to say upon the subject, but he is absent buying two dozen revolvers to arm our poor Protestants. The danger is constant and great."

Even the Liberal Press itself had last year urged the Government to take some action before it was too late. For instance, a Liberal London paper said that the prevalent system of secret assassination derived all that was formidable in its character from the inaction of the Government and the inability of the existing law to deal with it. The writer regarded the inaction of the Government as an indication of the weakness of the Executive; and, indeed, what we wanted was, as the right hon. and learned Member for the University of Dublin (Dr. Ball) said last night, a strong Executive, and not "scrambling impotence." He maintained that it was the duty of the Government last autumn, when crime had increased in Ireland to such a frightful extent, to have summoned Parliament together in a special Session for the purpose of passing a Bill similar to that now under discussion. The paper from which he had just quoted was of opinion that the Government ought then to have armed themselves with fresh powers, so as to enable them to make the law once again supreme in the country, to punish incendiary journalists, and to arrest the instigators to violence and outrage. If this were done, the writer added, the danger would vanish as if by magic. His right hon. Friend the Member for Oxfordshire (Mr. Henley) had alluded last night to the innocent blood which had been shed. The occupants of the Opposition Benches were not, however, responsible for the reign of terror which existed in Ireland at the present moment. As he had said, the Government had been warned time after time by the Liberal Press, and yet they had refused to stir. So great, indeed, had been their apathy, that his belief was that, had not the public opinion of England demanded it, no such measure even as the one before the House would have been introduced. The right hon. Gentleman at the head of the Government appeared to have forgotten the speeches which he had delivered during his celebrated Lancashire tour; but he would ask the right hon. Gentleman calmly to read through those speeches, especially the celebrated one in which he stated that he had burnt his boats and destroyed his bridges, and to search his own heart and conscience in reference to the existing state of things in Ireland. The right hon. Gentleman then would be able to tell the House who was really responsible for the bloodshed, anarchy, and confusion which now existed in that country, and which had existed ever since the right hon. Gentleman commenced his reign in Downing Street.

MR. DIGBY expressed his sincere and unqualified regret at being compelled to vote a second time, within so brief a period, against a Government measure relating to Ireland. He opposed the Bill because he felt confident it would be cruel in its effects. It would oppress the country, while it would not tend to the maintenance of law and order. In particular it would bear hard upon the poorer classes, because it assumed them to be sympathizers with agrarian murders and other outrages, and, therefore, placed them under the ban of suspicion. The Bill contained a provision for disarmament, and he sincerely wished that the prohibition to carry arms were extended to the landlords and gentry. We should then be spared the humiliating spectacle of gentlemen riding to cover armed with revolvers in their pockets. Indeed, the statements made by the hon. Baronet (Sir Thomas Bateson) must give rise to a feeling of astonishment that Irish gentlemen should have so little sympathy with and trust in the people among whom they dwelt that they deemed it necessary to carry arms. If the people were treated with liberality and justice, the disorders which now weighed so heavily on Ireland would speedily disappear. Until a satisfactory land scheme was produced, successive Governments would always find it necessary to ask for special powers to protect life and property. He wished the right hon. Gentleman at the head of the Government had acted on the opinion he once enunciated and governed Ireland in accordance with Irish ideas, for by such a policy alone could the respect and sympathy of the people of that country be won.

Mr. M'MAHON said, he did not wonder at the hon. Baronet (Sir Thomas Bateson) complaining of this measure not having been brought forward earlier, because for nearly a hundred years Government had been passing Insurrection Acts. For the same period promises had also been held out of remedial measures, and the Parliaments of England had been during all that time dealing with agrarian crime in Ireland by passing coercive Acts. Until the present year, however, no Government had attempted to revise the landlord and tenant code, which was admitted to be at the root of all agrarian crime in Ireland. The Bill now before the House contained a series of select extracts from a long list of repressive, Coercive, and Peace Preservation Acts, all of which had been passed for the better government of Ireland; but no real step had been taken in this direction till the Land Bill of the present Ministry was laid before Parliament. His own belief was that if the English Parliament had at an earlier period resolved to do justice to Irish claims in the matter of the land, there would have been no need for the Coercive Bill which they were now discussing. As the Solicitor General for Ireland had remarked, the Irish Parliament, between the accession of George III. and the time of the Union, passed sixty Landlord and Tenant Acts; while, during the whole reign of the same Sovereign, the English Parliament passed only five Acts relating to the landlord and tenant question. Now, every one of the Irish Acts was passed in the interest of the landlords and against that of the tenants. At the time of the Union all these Acts were suffered to remain in force. In 1816 an Act—the 56 *Geo.* III. c. 88—was passed for facilitating ejectments through the Civil Bill Court; but, as if that was not enough, it was followed by the 58 *Geo.* III. c. 99. These Acts had scarcely been in operation two years, increasing dissatisfaction by enlarging the powers of the landlords, when another Crime and Outrage Act was passed; that was the 60 *Geo.* III. and 1 *Geo.* IV. c. 1; so that the accession of his late Majesty was celebrated by another attempt to repress the consequences of the unjust land laws. A similar Act inaugurated the reign of William IV., and that, again, was followed by another Ejectment Act—the 6 & 7 *Will.* IV. c. 75. All these statutes, by increasing the power of the landlords to oppress the tenantry, aggravated the cause of the disturbances, while nothing was done to remove the source of the evil. In 1856 an Act was passed which might be deemed the basis of the present Bill. When these Acts had effectually crushed all political opinion the Landlord and Tenant Act of 1860 came into operation, consolidating all the previous measures, and making them many degrees worse than they were before. He defied any hon. Member to find any law resembling it in Scotland or England, or the Continent of Europe, or in the civilized parts of America. And even now, if the cry of crime and outrage which had been raised was allowed to have the effect intended, attention might be diverted from the landlord and tenant code of Ireland, perhaps for another century. Now, in dealing with the present state of Ireland, it was the duty of Parliament, he maintained, to proceed on broad, general principles; for there was no use in relying upon individual cases such as that of the lady who had written to state, as was mentioned by the hon. Baronet opposite (Sir Thomas Bateson), that she and her friends were obliged to dine with armed revolvers on the table. Agrarian disturbances had existed in Ireland for at least a hundred years, and it must be evident to anyone who viewed the question with an unprejudiced mind that people were not continually in a state of insurrection if the laws under which they lived did not operate unjustly. That eminent writer on the laws of England, Justice Fortescue, said that nothing made a people rise against their rulers but a lack of goods or a lack of justice; and it was, he believed, to the fact that justice had hitherto been denied to their tenants by the landlords in Ireland, that the repeated outbreaks in that country were mainly due. The poet Spenser had been referred to in connection with the subject on the previous evening; but he was not a fair witness to appeal to in the present instance, for he had disgraced himself by having given utterance to the sentiment that the whole Irish race ought to be starved to death and cleared off the surface of the country. Lord Coke was a more impartial witness to appeal to; and he, in his fourth *Institute*, mentioned that he had been informed, by many persons occupying judicial places, that no nation were ever greater lovers of justice than the people of Ireland. They were descended, he added, from the ancient Britons, and ought on that account to be the more endeared to Englishmen. Well, if the Irish people were lovers of justice, it was only now that that justice was being meted out to them; and he believed that the landlords, although they objected to doing away with laws which they looked upon as beneficial to themselves, would in the end arrive at the conclusion that nothing which was not just was profitable. Since he had sat in that House he had been endeavouring, but in vain, to get something like one law for both England and Ireland, and to set aside those various Acts which made the people of the two countries substantially different nations. He hoped that one result of the discussion of the Land Bill would be the establishment of one uniform system of laws for the two countries, for there was scarcely a law in Ireland which departed from the English law that was not mischievous in its effects. It had been said that the Liberal Press of England had urged the Government to coercive legislation. Some newspapers, which passed for being Liberal, might have done so; but he did not believe the Government would have brought forward this Bill had they not been goaded by the extra-judicial utterances of some of the Irish Judges. It was somewhat singular that these Judges had been but recently removed from the political arena, and that four out of five had been the Solicitors General or the Attorneys General of respective Governments. Mr. Justice Morris, whose speech in Tipperary had been alluded to, was Attorney General to a Conservative Government, as was Chief Justice Whiteside, who had recently addressed a grand jury in Westmeath; Mr. Justice George was Solicitor General while the party opposite were in Office; and Baron Deasy was the Attorney General of the Liberal Government, and carried through the House the Landlord and Tenant Bill of 1860, which was an aggravation and complication of the existing laws. He did not think it right that the Government should be led into a wrong course by the utterances of these gentlemen. English Judges, even when dealing with such cases as the murders at Sheffield and the trade union outrages in Manchester, did not indulge in diatribes against the Government and the police, but confined themselves to the matters contained in the depositions laid before them. The contrary practice to which he alluded in Ireland arose in a great measure from the fact that the Irish Judges had not sufficient judicial duties to perform. If they were as fully worked as the English Judges were, they would not travel beyond the cases which they might have to try. In England there were ordinarily fifteen Judges, who had sometimes to attend the House of Lords and Privy Council in appeal cases, to sit in the Divorce Court, and to consider and decide the law for 20,000,000 of people largely engaged in trade and commerce. In Ireland there were twelve Judges to do the legal work of 5,000,000 of people, and these twelve Judges—not the existing Judges, but their predecessors—had done much to bring about the present unsatisfactory and unjust land laws by refusing to adopt the views of the English Judges and treat agricultural usages as binding between landlord and tenant. The Government ought not to be influenced by the addresses of the Irish Judges, delivered under the circumstances he had described. The noble Lord the Member for North Leicestershire (Lord

John Manners) had referred to an address from the grand jury of Westmeath. He had before him a resolution of the grand jury of Queen's County, who also asked for extended powers from the Government, in consequence of the insecurity of land and property, and the increase of crime in the county. The worthlessness of such expressions of opinion would be evident when he stated that this resolution was passed after the grand jury had been congratulated by the Judge on the satisfactory state of the district. There was, in fact, as appeared from the Returns quoted on the occasion, nothing whatever to warrant such a resolution. He complained that for acts done in secret, when people residing in the district could not interpose to prevent them, the grand jury were empowered under the Bill to assess compensation for any injury, and levy the amount upon the occupiers. Nothing of the kind was proposed when the Sheffield outrages were committed, or when the Luddites rose. Why, then, have a special law for Ireland which nobody thought of proposing for England and Scotland? So far as the Bill was designed to give additional protection to life and property he had no objection to it; his objection—and one which would compel him to vote against the Bill—was that, in defiance of experience, the Government proposed a law for Ireland which they would never think of proposing for this country. Murder and open violence might be repressed; but the feeling of dissatisfaction with the Government prevailing in Ireland on account of the mismanagement of that country could not be repressed by Act of Parliament, or at least by physical means; it could be repressed only by doing justice to the people. We had commenced to do justice by abolishing the Established Church, the existence of which was a hindrance to peace and prosperity, and when we had diminished landlord despotism by passing the Land Bill, we should have done something towards satisfying public opinion; but it was not to be done by passing Bills like this. The Earl of Clarendon, a Minister of great experience, familiar with the laws and usages of civilized States upon this subject, and knowing it was the law of every country except England that anything built upon or planted in the soil by the tenant in good faith could not be appropriated by the owner of the soil without his paying the full value of it, was justified in speaking as he did of felonious landlords. The law as he had laid it down was that of Scotland, and, in truth, it agreed with the practice in England; for he did not believe there were ten country gentlemen who would commit the felonious appropriations common with landlords in Ireland. The noble Earl was perfectly justified in using the phrase he did; and if it had not been for felonious landlords, there would have been no necessity now for either a Land Bill or a Peace Preservation Bill. He would ask hon. Members to read the 27th clause, which was taken from the Insurrection Act of 1775. There was no difficulty in obtaining convictions in Dublin, and an hon. Friend near him (Sir John Gray) was a high authority on the point, for he had tried the experiment in his own person; but if the Government had found there were people in Ireland committing political offences for which convictions could not be obtained in that country, they might have asked Parliament to change the *venue* from Ireland to Liverpool or London—a course for which there was a precedent, for a gentleman, named Maguire, had been tried, convicted, and executed in London for treason committed in Ireland. Anything would have been better than this provision—

> "Where any newspaper printed in Ireland contains any treasonable or seditious engraving, matter, or expressions, or any incitements to the committing of any felony, or any engraving, matter, or expressions having a tendency to foster, encourage, or propagate treason or sedition, or to incite to the committing of any felony, all printing presses, engines, machinery, types, implements, utensils, paper, and other plant and materials used or employed or intended to be used or employed in or for the purpose of printing or publishing such newspaper, or found in or about any premises where such newspaper is printed or published, together with all copies of such newspaper, wherever found, shall be forfeited to Her Majesty."

This clause might be put into operation by any official with influence enough to work upon the Lord Lieutenant, and all the types, presses, engines, and machinery of an office seized and confiscated. ["Hear, hear!"] An hon. Member opposite cried "Hear, hear!" He hoped, therefore, that the hon. Member would propose an Amendment to this Bill, and extend this part of the measure to England.

MR. KAVANAGH said, he would occupy but a few moments if the House would allow him to offer a few remarks, not so much on the nature of the important measure now before it, as on what he might call the exigencies which had necessitated its introduction. During the course of the debate some hon. Members, among whom he might refer to the hon. Members for the county and city of Cork, had urged that the present state of Ireland had been exaggerated and made to appear worse than it was by the statement of his right hon. Friend the Chief Secretary for Ireland when introducing the Bill. Now, he thought, while granting that the whole of Ireland was not in that deplorable condition, it would appear to hon. Gentlemen, who viewed the matter dispassionately, that it was a strange state of affairs to say that little more than a week having elapsed since a measure of an unquestionably exceptional nature had passed its second reading, guaranteeing to the Irish tenant security of tenure, they should be now engaged in devising means to secure to the Irish landlord security of life. He might quote the words of the right hon. Member for Liskeard (Mr. Horsman) in his speech the other night, when he said—

> "The Government has shown they can be just; they must now show they can be firm and resolute. The law must be upheld, life must be protected, society must be made safe."

He thought he might well ask, was it in a civilized country that such a state of affairs existed as these facts and these words too plainly pointed at? The hon. Member for New Ross (Mr. M'Mahon) laughed at the idea that the fact of an insurance office refusing to insure a house could be regarded as an indication that the country was in a disturbed state. He received a letter only two days ago which would show how matters were in the county of Meath. He would read an extract if the House would allow him—

> "Mr. Nicholson cannot get his house insured against fire; both the insurance houses that he has tried have refused upon the ground that they cannot run the risk. I am sure many would refuse to live in a house where the state of the country is such that it cannot be insured. This is a fine spring day and we cannot get Mr. Nicholson to take a drive, which would just renew his life, because he is afraid of his coachman being fired at."

The writer went on to express the wish that the right hon. Gentleman (Mr. Gladstone) would go over to Ireland and taste the pleasures of that sort of life, as an experiment. He could read other letters; but he would not waste the time of the House by adducing other proofs of what had been already too sadly proved. The necessity of some such measure as that now before the House was unquestionable and urgent. In his opinion, it had only been too long postponed. But in promising to give it his earnest support, he could not refrain from glancing at what appeared to him to be two of the principal causes which had brought about this present unparalleled crisis—they were ceaseless, reckless, unprincipled agitation, and feebleness and partiality on the part of the Government in their administration of the law. He could read to the House pages of incendiary speeches, openly inciting an ignorant peasantry to murder and outrage; but he would not so trespass upon their time. He would content himself with two extracts; the first was from the speech of a well-known Roman Catholic clergyman in the county of Wexford, the Rev. Thomas Doyle, P.P., of Ramsgrange. It was delivered at a tenant-right meeting at Enniscorthy, over which the right hon. the Earl of Granard, K.P., presided. He was not sure that it was not the very meeting at which the noble Earl made use of those words which had already been referred to about the classic associations of Vinegar Hill. However, he would let them rest, and proceed, if the House would allow him, to read the extract. The Rev. Thomas Doyle, in the course of his speech, said—

> "He called upon the meeting to tell those 'felonious' landlords that the people would stand this no longer. The landlords claimed absolute ownership of the land; but he would tell them they had no right to absolute ownership of the soil. English law could not confer upon any man absolute ownership of the soil. The great God alone had absolute ownership of the soil. Was this earth created for kings, emperors, or governments? No, no. Was it created for an aristocracy or an oligarchy of buckeens? Oh! no. The land was made for the people, and no oligarchy or Government possessed absolute ownership in it. The Government owned the land conditionally, that condition being that the land be divided for the good of the people. The moment the Government gives the land from the people to the oligarchy, that moment the people were free from their allegiance. Allegiance was due only for protection, and the moment the ruling powers ceased to protect, the people were free from their allegiance, and it depended on prudential or other

considerations whether they should not rise up to overthrow that Government; but their allegiance had ceased. From the persecution which he had witnessed resulting from evictions he proclaimed war, undying war, against Irish landlordism. Every man there present had as much right to live on the land as the landlords. If a landlord offered to buy them out, they might deal with him as they pleased, but if a landlord said—'I will exterminate you,' he would say to them, exterminate him. He called upon them, whose fathers fought on that hill (Vinegar Hill), not to let the landlords clear them off the land. If he had a landlord who tried to clear him off, he knew how he would deal with him. The landlord who took his tenant's improvements was a robber. The tenants were only bound to pay a fair rent for the land in the state in which they got it, leaving themselves a liberal margin to cultivate the land and live respectably according to their station in life. He had none but a feeling of kindness for landlords; but he warned them of the influences of certain messages coming across the Atlantic weekly. He would read one of those messages. It was from John Mitchel, a man who had greater influence with the Irish race than perhaps any living Irishman. Mr. Mitchel had written recently in his paper—'If the landlord evict you, shoot him like a mad dog.' He (the Rev. Mr. Doyle) did not approve of that; but yet the landlord should deal with it as a fact, and a very important fact. Mr. Mitchel continued—'If the landlord hides in London, shoot the agent, and if you cannot shoot the agent, shoot the bailiff, or all three together.' He (the Rev. Mr. Doyle) did not refer to this as a threat; but with such advice coming from the American Press, he saw that unless a radical change were made, there would be terrible work in that country."

The only other extract with which he should trouble the House was from the speech of the Rev. J. Ryan, P.P., Cashel, at the nomination for the county of Tipperary, November 22, 1869—

"The Rev. J. Ryan, P.P., Cashel, commenced by repeating more than once the following question:—Is there any one in court afraid of British cannon? [*Loud cries of* 'No.'] Then there is no Irishman in this court, no man with an Irish heart beating within his breast, who is afraid of the truth. Is there? ['No.'] Convinced, then, that I am addressing Irishmen in truth, courage, and principle, I will make no apology for proposing a gentleman as a fit and proper person to be your representative—a gentleman who has displayed his attachment to the old faith by proceeding to Italy and there fighting for the Holy Father—Mr. Michael Crean. [*Loud cheers.*] Father Cahill had referred to cause and effect. Need he do so, too. Need he prove the baneful influence of bad landlords? Let me say one word respecting the landlords. They are frightened out of their jackets, and I will tell you why. The old system of taking revenge on the landlords is entirely given up, and the people are now acting on a new patent and most successful principle —mind you I am not praising it; as a priest, I am a man of peace. But now one brother will not trust another with the secret, nor the father the son, nor the son the mother, with what he intends to do. He goes out, he takes his revolver, and he tumbles his landlord. ['Bravo,' *and loud cheers.*] After some further observations, he concluded by nominating Mr. Crean."

These were only a sample of the agitation to which in many places the people of Ireland had been exposed. He would leave it to the House to judge whether they proved his assertion as to its being one of the causes of the present troubles. He thought the right hon. Gentleman the Member for Liskeard agreed with him, for immediately after the words which he had already quoted he said—

"That is not to be done"—*i.e.*, society was not made safe—"by striking at the poor miscreant who fires the shot. He is not the real criminal; the real criminal is he in the higher walks of life, who, for his own purposes, inflames the passions that find vent in blood."

He would ask the Government if one man paid or otherwise incited another man to commit a murder was he not amenable to the law? Was it less culpable, then, to excite to a general massacre of an entire class than to an individual assassination? If the law, as it at present stood, did not give the Government power to take notice of speeches of that nature, why did they not seek for that power which Parliament would gladly give them in this present Bill? But if the present law did give them that power, why had they not used it? Was it an impartial administration of justice to punish with a quick and severe hand Captain Coote and Mr. Madden, and to leave the noble Earl (the Earl of Granard), and the two rev. gentlemen, even unremonstrated with? He could not but ask himself if it were the other way how would the case be? If the noble Earl was an Orangeman, or the two rev. gentlemen ministers of the Disestablished Church, would they be allowed, with impunity, to incite to such deeds? All he could say was, Heaven forbid they should! He was sorry to be obliged to say it, but he believed it to be true—that such had been the policy of Her Majesty's Government since they came into Office, and he regretted to have to admit it. The policy of the previous Administration, in some cases, was very near akin to it. Fenian processions the noble Earl, now Governor General of India (the Earl of Mayo), permitted unnoticed, or nearly so, while Orange processions were stopped by force, and the leaders thrown into prison. He was not an Orangeman. He deprecated, as strongly as any man could, such processions, or any act calculated to give offence, but he did like even-handed justice. Without it those whom they tried to conciliate would scorn and despise them, and in the minds of those who suffered from their injustice they raised feelings of bitter hate. He would conclude by asking Her Majesty's Government gravely to consider the vast importance of the present crisis, to remember that it was from no earthly hand they held the power for weal or woe, and before more blood was spilt to do justice and fear not.

MR. SHERLOCK supported the second reading—because, on the highest authority in the House, they had been told that by so doing they would simply affirm the principle of the Bill; but as it passed through Committee he should feel himself perfectly at liberty to insist on any alteration or Amendment in any clause or section which, in the circumstances of the case, as opened in debate, might seem to him necessary for the welfare of the country. So far as the measure purported to preserve the peace of Ireland, and to amend the laws now in force having regard to the peace of Ireland, he gave it his cordial assent. Was it necessary now to pass a measure to amend the law in reference to the preservation of peace in Ireland? That depended, in his estimation, on two questions. Was the state of Ireland, or of any part of Ireland, or of any large part of Ireland, at present such as to require strong measures to repress crime? Secondly, was the ordinary state of the law sufficient for existing exigencies? The Government did not say that the entire of Ireland was disturbed. It was not alleged that a large portion of Ireland was disturbed. A large portion of Ireland was subservient to law and order, and required no measures beyond the ordinary administration of the law. But if there were found in it one, two, three, or four counties in which the ordinary administration of the law was insufficient to secure life and property—if this was the condition even of one district, it was the duty of the Government to see that measures should be taken to secure this object and repress crime and outrage in that district. He spoke not only in the interest of the landlords and wealthy proprietors, but of the humble who could not protect themselves, and suffered more from agrarian crime than men in a more exalted position. As an illustration he would mention that two butchers in the town of Navan, who required a certain quantity of land in the neighbourhood for their cattle, had been served with notices calling on them to give up that land, and threatening them respectively with the most dreadful deaths in the event of their not doing so. These men required protection; some of these had had these town parks and fields for twenty years; and they were now called upon to give them up that they might be used for the purposes of tillage. It was because the Government proposed what he deemed to be necessary that he supported the second reading of the Bill. Some hon. Members on the Government side of the House had objected to the Bill, because they did not see the necessity for such a measure, and among them was the hon. Member for Cork (Mr. Maguire), who called that county a model one. Although King's County, which he (Mr. Sherlock) represented, was quite peaceable, only one outrage having been committed there, he was not blind to the existence of crime in other counties, and was, therefore, bound to assent to the measure of the Government, without at this stage pledging himself to all the details. Hon. Members on the Opposition side of the House had insisted that the Government had unduly delayed bringing forward this measure, and had alleged that the existence of crime in Ireland was owing to the inactivity of the Government, although the late Government, as well as the present one, had proved unable to assert the supremacy of the law and bring criminals to justice. He could not make any charge against the late Government of neglecting their duty, because in the Ballycohey case they had not discovered the criminals; for the state of the country prevented them from bringing to justice the men who committed that outrage; and the same might be said with respect to crimes committed during the present Administration. It was impossible to obtain evidence which would lead to conviction; and, therefore, the commission of crime had been much encouraged as the population saw notorious criminals going about unpunished. This measure was not needed only for the landlords, but equally or more for the protection of the humble class of occupiers, for such an arrest of criminals as was effected in the attack on Mr. O'Connor's house could scarcely have resulted in the arrest of the criminals had the attack been directed to the cabin of a poor man. The landlords, and bailiffs, and agents did not need protection as much as the humbler classes who could not defend themselves, and were, therefore, obliged to ask the Government to interfere; and it was no answer to their demand to say that they were troubled with nothing but threatening letters, which did not interfere with the ordinary conviviality of their county. The hon. Member for Mayo (Mr. Moore), in moving that the Bill be read a second time that day six months, admitted the necessity of such a measure as that now under the consideration of the House, and he had stated his intention to vote in favour of the measure, provided the Government would give up the provisions directed against the Press. If such measures were absolutely required, he would prefer the milder course of leaving the personal liberty of these gentlemen unrestrained, and confiscating the property that was the means of doing the evil attributed to them, thus preventing the dissemination of what was thought by the Crown to be injurious to the peace and prosperity of the country. He had not heard enough yet to satisfy him that it was necessary to restrain the Press in the way that was proposed. The hon. Member for Cork had alluded to the French Press, which he alleged to be considerably more violent than the national Press of Ireland. In that opinion he could not agree. He had read the numbers of the *Marseillaise* that appeared after the imprisonment of M. Rochefort, and the articles had seemed to him rather mild compared with what he had been accustomed to see. There was not the same amount of energy and zeal that were imported into the political writings of the Irish national journals; and he was certain that if the editor of one of the latter had been imprisoned, the columns of his paper would have contained language much more stimulating than anything he had seen in the *Marseillaise*. Men of the very worst character, having for £2 or £3 obtained a licence to carry arms, were known to use that licence for the purpose of going about the country carrying terror wherever they went; and that was provided for by the Bill; but there was another provision necessary with respect to the granting of licences by the Excise to beer-houses. Men of the worst character had those houses in Ireland, and were not subject to the ordinary provisions imposed by the magistrates at quarter sessions. Those licences were taken out as a matter of right, and in these beer-houses was concocted nearly all the mischief that caused these assassinations. The right hon. Gentleman the Chief Secretary for Ireland had intimated that some measure was about to be introduced with respect to beer-houses and public-houses; and as such a measure appeared to be closely connected with the preservation of the peace, it should not be delayed on account of any fiscal consideration. It might be true that the Chancellor of the Exchequer derived income from this source; but that should not be taken into consideration when the introduction of such a measure was intimately connected with the preservation of the peace in Ireland. Another question, also closely connected with the pacification of Ireland, was that of the magistracy. At present Her Majesty's Ministers had no confidence in the magistracy of Ireland, and that want of confidence was fully reciprocated. It was of the first importance that when great powers were about to be entrusted to a body of men, we should have an assurance that they would exercise those powers with discretion and impartiality. He wished now to allude to a subject which had been referred to by the noble Lord the Member for North Leicestershire (Lord John Manners). That noble Lord had commented upon the word "felonious," which appeared in a pamphlet written by Bishop Nulty. Now, the case quoted was this—a small patch of land of ten acres, once a mere quagmire, and worth nothing, was reclaimed, after much labour and expense in draining, &c., and made into valuable land by the tenant, a Catholic clergyman. Previous to the tenant's death, he desired to leave this land to his successor. The landlord, Mr. Hamilton, having been asked to agree to this arrangement, the successor was rudely cast off, and told that he was interfering with, and intruding upon, the rights of the landlord. He would ask the noble Lord whether he would have acted as

Mr. Hamilton had done under similar circumstances? He was sure the noble Lord would not. Dr. Nulty, in his pamphlet, appealed against what he called the felonious confiscation of this property to the justice of the English Government. Now, although he (Mr. Sherlock) thought that the word felony might not be strictly legally applicable to that transaction, yet it might be considered a confiscation of property, and it was requisite that a law should be passed to prevent the recurrence of such transactions. He trusted that the Land Bill, which was passing through the House, would remedy such evils. In the interest of the landlords, whose lives and properties were now insecure; in the interest of the farmers, who could not prosecute their ordinary avocations; in the interest of the traders in the small towns, who could not carry on their trade unless they were protected by law; and in the interest of the political prisoners, whose liberation depended on the restoration of law and order, he cordially assented to the second reading of the Bill.

MR. MURPHY said, he would support the second reading of the Bill, believing that the Government would not have asked for further powers unless they had been of opinion that a more stringent law than any at present existing was necessary for the preservation of peace, law, and order in Ireland. Nevertheless, he should reserve to himself the right of objecting to some of the details in Committee—he referred particularly to those clauses which regarded the Press, because he thought the mode proposed to carry out all those restrictions was not the best that could be devised by the Government. Though it might appear paradoxical, he should prefer even open, plain, and broad treasonable writing being left to be dealt with in the ordinary course than by special legislation. But he thought that those journalists, who addressed themselves to assassination, and justified the taking of life under certain circumstances, were outside the pale of civilization, and ought to be dealt with exceptionally. Political writings, however strong or treasonable they might be, might, in his judgment, be left to be dealt with by public opinion and the existing law of the country, and, no doubt, juries would be found quite ready to vindicate the law. He merely wished to state the course which he should take, as his hon. Colleague had stated it to be his intention to vote against the second reading.

LORD CLAUD JOHN HAMILTON said, he wished to reply to some observations which had fallen from the hon. Member for Clonmel (Mr. Bagwell) yesterday, and from the hon. Member for Cork County (Mr. Downing) that evening, in reference to the government of Ireland by the late Ministry. The hon. Member for Cork County, in his admirable speech to his constituents, seemed to express some regret that Mr. Scully was not killed in the affair of Ballycohey. [Mr. M'CARTHY DOWNING dissented.] And as to the hon. Member for Clonmel, he would say, with great respect, that his opinion regarding crime in Ireland was not to be taken on this occasion, and for this reason. During the year 1866 or 1867, when the late Lord Lieutenant was under great apprehension as to the expected rising of the Fenians in Ireland, and the Irish Government appealed to the magistracy to assist them in repressing crime, the hon. Member for Clonmel either wrote a letter or made a speech, in which he—a magistrate of Tipperary—stated that he believed that the apprehensions of the Government were utterly absurd so far as he and others were concerned, and that all the protection they needed was an umbrella. [Mr. BAGWELL: I never said anything of the sort.] Whether the umbrella to which the hon. Gentleman referred was to be of silk or cotton he did not know. A Gentleman who held such sentiments, at a time when there was so much danger, was not, he conceived, competent to form an opinion as to what was required for the protection of life and property in Ireland. The hon. Gentleman had, however, been so aroused by an outrage in his immediate neighbourhood, that he imagined it was the commencement of the state of things with which the House was now called upon to deal. The remarks of the right hon. Gentleman the Chief Secretary for Ireland were of rather more importance. That right hon. Gentleman fixed the date of the Ballycohey outrage as that at which the terrible state of affairs now existing in Ireland had its beginning. A similar statement was made in "another place" last year, and a noble Relative of his at once replied to it. On the 13th of May last his noble Relative (the Duke of Abercorn), speaking in "another place," said—

> "It was stated by the noble Duke who spoke the other night, that the attack upon Mr. Scully was the commencement of the outrages; and it has been stated elsewhere by the present Secretary for Ireland that the present Government on coming into Office found that those outrages had been going on for a long time, and were then in full force. My Lords, I give both those assertions the most complete denial; and I will prove to your Lordships, first, that the attack on Mr. Scully had no reasonable connection with the outrages that occurred five months later; and, secondly, that at the time that the late Government left Office, and the present Government succeeded them, there had not been heard a whisper of such agrarian outrages as we now hear so much about."—[3 *Hansard*, cxcvi. 727.]

After stating some further facts, the noble Duke said—

> "To the assertion of the Chief Secretary for Ireland, that his Government found these outrages in full force, I give the most complete denial."—[*Ibid.* 728.]

Now, those words were spoken with all the authority of one who had for two and a-half years been at the head of the Irish Government, and his opinions were fully borne out by the late Chief Secretary for Ireland (Colonel Wilson-Patten), also by the late Under Secretary for Ireland (Sir Thomas Larcom), and by the lamented Sir Edward Wetherall. The attack made in August, 1868, on Mr. Scully was of a totally different character from the late agrarian outrages—it was an attack made in open day by an armed force upon an armed force. His noble Relative granted Mr. Scully a police force solely for the protection of his life. Contrary to the instructions given to the police at the time its aid was granted, Mr. Scully, acting like a rash man with foolhardiness, used the force to make an attack upon the tenants, which they resented, and the result was that Mr. Scully was wounded. That he was not killed was viewed as a matter of regret by the hon. Member for Cork (Mr. Downing). The Government immediately sent down a large force to that part of the country. The hon. Member for Clonmel (Mr. Bagwell) charged the late Government with the withdrawal of that force; but it remained in the district for three months, at the expiration of which Sir Thomas Larcom, acting under instructions, wrote to the chairman of the petty sessions that were to be held on a certain day, asking whether, in the opinion of the magistrates assembled in petty sessions, it was necessary for the safety and well-being of the county that that force should be retained there. Mr. De Gernon, who happened to be the chairman of petty sessions chosen by the magistrates present, and who had been appointed by a Liberal Government, said—and the other magistrates agreed with him—that there was no reason for retaining the force in the district any longer. So much for the outrage at Ballycohey, which the Chief Secretary for Ireland stated the other evening was the commencement of those agrarian outrages which now so disgraced the country. If that were so, and if from the moment that outrage occurred in August, 1868, there had been a gradual development of agrarian crime, and that species of crime was in full force in the month of December, 1868, how was it that the present Government, immediately on assuming Office, adopted the suicidal policy of repealing the suspension of the Habeas Corpus Act in Ireland? In 1869 Her Majesty's Speech from the Throne stated—

> "The condition of Ireland permits me to believe that you will be spared the painful necessity which was felt by the late Parliament for narrowing the securities of personal liberty in that country by the suspension of the Habeas Corpus Act."

That condition must have been satisfactory, or such language would not have been used. The truth was, that Her Majesty's Government found Ireland comparatively peaceful, contented, and prosperous. After the lapse of fourteen short months they were asked by the same Government to help them to pass a Coercion Bill—a Coercion Bill had always, with one exception, been the consequence since 1832, of the accession of the Liberals to Office. That was the result arising first from the encouragement which, as a means of gaining power, the present Government gave to agitation, and next from their inability when in power to suppress the consequences of their own mischievous and unpatriotic conduct. From the day Her Majesty's Government assumed Office in that country dated the commencement of those agrarian outrages which had ever since continued to spread unrestricted. It was not alone their policy which had helped to develop that increase in agrarian outrages, but more especially the manner in which it was first shadowed out to the country in the autumn of 1868, then brought before Parliament at the beginning of last year, and finally carried out. Need he allude to the speeches of the Prime Minister, the Home Secretary, the President of the Board of Trade, and other prominent members of the Administration? Though delivered outside of the House, they were but too familiar to all hon. Gentlemen; and they had also been emblazoned and hung up in every Roman Catholic cottage in Ireland. Those speeches were intended for a purpose, and they had, indeed, borne their fruit. An Upas tree, seven times more dreadful than the Lancashire Upas tree of the First Minister, had sprung up with noxious growth in Ireland, poisoning everything under its baleful shadow. The fruits of remedial policy, proclaimed with a great flourish of trumpets by Her Majesty's Government as likely to produce, in one short year, happiness and concord in place of the discontent which previously prevailed, had been the foul assassinations alluded to the other night by his hon. Friend the Member for the county of Londonderry (Sir F. W. Heygate), who stated that had the declaration they heard with so much pleasure from the Prime Minister a few evenings ago been made fourteen months before, the lives of many excellent men now in their graves would have been spared to their country and their mourning families. That statement was met with natural indignation on the Treasury Bench; but it expressed the conviction solemnly entertained by thousands of Irishmen, and also, he believed, by every Irish Member on that (the Opposition) side of the House; and it was his own solemn conviction, that had Her Majesty's Government acted fourteen months ago as they were now acting many valuable lives would have been spared. But the Government had at last awoke to the gravity of the situation; they had at last discovered that there were some responsibilities attached to the position of Ministers of the Crown. The Chief Secretary had stated that it was easy to make charges against that Bill, and to say it ought to have been brought in five or six months ago. No doubt that was so. But he made those charges for this reason—The Solicitor General for Ireland had told them he had hundreds of papers in his possession containing as treasonable articles as he had read to the House, but that it was utterly impossible to obtain verdicts against them in the present state of that country. Now, he would ask why, the moment the Government found it to be impossible to obtain verdicts against those treasonable articles, they did not come to Parliament for further powers? He exonerated his learned Friend, who was not then in Office; but the necessary information was in the possession of the right hon. Gentleman the Chief Secretary, and the moment he found the law unable to cope with the evil, he should have introduced a Coercive Bill. He wished now to say a few words with respect to certain provisions of the measure before the House. Clause 13 enabled justices to take evidence against an offender in his absence. He would respectfully suggest to the right hon. Gentleman that the evidence so taken might be used against the offender subsequently, in the absence of the witnesses, who, for many reasons peculiar to Ireland, might not be forthcoming. He would also suggest that it might be in the power, he would not say of the magistrates, but of some court, to award sums of money not exceeding £20 to persons giving evidence, which would tend to the apprehension and conviction of offenders under the Bill. He believed they had a precedent for that in an Act passed by Sir Robert Peel for England, the provisions of which somehow had not been extended to Ireland. With regard to the clause which related to the levying of cess as compensation for murder and outrage, for once in his life he found himself agreeing in opinion with the senior Member for the city of Cork (Mr. Maguire). To put the grand jury, especially after what had been said of the magistracy, and after the opinion which his hon. and learned Friend the Solicitor General for Ireland had expressed of them, in such a situation that they would have to inflict penalties of that kind for offences, would be to place them in a very peculiar, unhappy, and invidious position. For what were the grand jury? They were chiefly composed of the landowners in a county; it was against the landowners that the present agrarian crimes were chiefly directed; and if they imposed on the grand jury the levying of the cess, an excitable people like the Irish would say—"These landowners were unable to cope with us individually before; they were afraid of us; but now Her Majesty's Government have stepped in and enabled them collectively to punish us." He was sure, therefore, that if this power were granted them, it would be attended with the most disastrous results. If, on the other hand, the power were given not to the assistant barristers, who would probably have more than enough to do under the Land Bill of Her Majesty's Government, but to the Judges of Assize, or some such judicial authority, it would be attended with the most beneficial effect. With respect to the clauses relating to the Press, he was sure there was no Member on that side of the House, and but few on the other side, who could take exception to those admirable provisions. Anyone connected with Ireland, and especially those who had governed, or tried to govern, that country, was aware that one of the most formidable obstacles they had to contend with was the Press. They might disestablish Churches, they might bring in Land Bills, they might promise Education Bills, they might do all that human ingenuity could devise for the good government of Ireland; but as long as the Press of Ireland remained as it was, it would be utterly impossible that they could have any loyalty, contentment, or prosperity in that country. Therefore, he would say that the provisions of the Bill of Her Majesty's Government, with regard to the Press, should meet with the cordial approbation of everyone on both sides of the House. But it was not to the so-called "National" Press only that these remarks would apply. There was also another portion of the Press which had hitherto assumed a garb of respectability, but had been contaminated of late by this rampant evil. These organs did not write sedition, but they countenanced, and therefore encouraged it, and they persistently stirred up bad feeling between the different classes of society, especially between the owners and occupiers of the soil. They had received their cue in Ireland, and also from prominent gentlemen living on this side of the Channel, and in their efforts to stir up ill-feeling they hesitated not to make use of the most unscrupulous assertions, and the most violent allegations. He noticed the other evening, when the Chief Secretary stated the provisions to which he referred, a huge shudder passed over the forms of certain Gentlemen below the Gangway opposite. He was not surprised, for they all knew that one of the first instincts of nature was self-preservation. He hoped, whatever Her Majesty's Government would do, they would adhere strictly and firmly to those provisions with regard to the Press. Unless the "national" Press, and the semi-national Press, were controlled—and he had no doubt the semi-national Press would take warning from what was going to happen to the national—they could have no peace, prosperity, or contentment in Ireland. He begged to thank the House for the kind manner in which they had listened to him, as he felt bound, as a Relative of one who had had the Government of Ireland in his hands, to make these few remarks.

MR. M'CARTHY DOWNING rose to explain with reference to a remark of the noble Lord who had just sat down. He did not think the House would assume, from any observations he (Mr. M'Carthy Downing) had made, that he had expressed a wish that Mr. Scully should have been shot. It never entered into his mind to express any such wish.

LORD CLAUD JOHN HAMILTON: I entirely withdraw the statement.

MR. AGAR-ELLIS said, he could not fully exonerate Her Majesty's Government from all blame in this matter; but, at the same time, he must give them his cordial support in passing the Bill. Some said that the provisions of the Bill were too stringent, others that they were not sufficiently so. For his part he did not think them too stringent. There never was a time when some measure for the repression of licence on the part of the Press was more necessary than at this moment. The "national" Press, as it was called — he hoped it would not be long called so—was almost the only literature of the sort that was read in Ireland; it was most pernicious, most poisonous, and it was the duty of Her Majesty's Government to do everything in their power to put it down. The hon. Member for Mayo (Mr. Moore), in moving his Amendment, had laid great stress on some words of the Prime Minister with regard to governing Ireland according to Irish ideas. All he would say on that subject was that he trusted the right hon. Gentleman would look to the quarter whence those ideas came. The Bill was a necessary and good Bill; but what was the use of good laws if they were not put in force? He was afraid from what he had seen during the last twelve months, unless a very different course was pursued, they should not have the law put in force. He should like to give to the Government a few words of advice, such as had been sent over from Ireland to this country for the last 300 years, and that was that they should be inexorably just, that they should go straight to their point without turning to the right or to the left; and if this policy were strictly enforced, he believed that but few years would pass over before they would see Ireland as prosperous as she ought to be.

MR. WHALLEY said, he could not vote against this measure, because he concurred with what had fallen from all the speakers on both sides of the House—that the responsibility attending the present position of affairs rested with Her Majesty's Government; but he could not vote for the measure, as he was indisposed to intrust any Executive Government in Ireland with the extraordinary and unconstitutional powers contained in the Bill, more particularly with those that related to the freedom of the Press. Before offering a remedy for the present state of things he would remark that he could not remember during the last ten years hazarding a prophecy which had not been justified by the event—indeed, he wished he did — and he would now venture to prophesy that this measure would be found ineffectual for the purposes designed; and that the disaffection of centuries' growth would continue, unless some entirely different mode of dealing with it were adopted by the Government. The remedy which he ventured to propose had been tried before, and had been successful; it was not unconstitutional nor penal, nor would it inflict wrong upon any person or party. The Church of England and Ireland was established for the purpose of resisting the aggressions of Popery, and of exposing, he would not say the fallacies of that Church, because such an expression might not be acceptable to hon. Members who believed in those fallacies, but the principles of that Church, which were and ever had been antagonistic to the principles of civil and religious liberty. Never, however, had he given a vote more heartily than the one he did last year in favour of the abolition of the Established Church in Ireland—indeed, he only lived for the purpose of doing what he could to secure the same result for England, because he believed that protection to religion was as fatal as it had been when applied to other objects, commercial or otherwise. In confirmation of what he had said he might remark that it was provided by the Rubric of the Church of England that her ministers should preach four times a year at the least against Popery, and all other—the phrase was not wrong —"foreign" doctrines. Inasmuch as we had now abolished the Established Church in Ireland, he desired to ask the right hon. Gentleman at the head of Her Majesty's Government what substitute he had provided for that preaching against Popery. The outbreak of outrage and crime had undoubtedly followed the abolition of the Established Church in Ireland—not that he believed those four sermons against Popery were invariably preached. That renewal he viewed only as a coincidence but —— he was forced to balance his words, for the safety of the Empire depended not upon any particular measure of repression—

> "Melius est petere fontes."

Really they were only wasting time in following the little streamlets of outrage and difficulty in Ireland unless they went to the source. That source was well-known to the hon. Members of this House; but for party purposes they could not express themselves so freely about it as he did. The source of the then present difficulties, and of still greater difficulties yet to come arose from the fact that they would not recognize the circumstance that the Roman Catholic hierarchy were bound by their duty and by their oaths to promote, and, indeed, under the pretence of religion did their best to promote, the power and authority of their own body to the destruction of peace and order throughout the country. [*Interruption.*] He had on more than one occasion been prevented from speaking, but what was it that he had done when he had been silenced, and when he had not been supported — through what he must term the want of judgment on the part of hon. Members opposite? He had sent forth Mr. Murphy.

What was the result? Mr. Murphy might have been unworthy, but he was the best man he could get. That man, holding, as it were, his life in his hand, and the doctrines and machinery of the Roman Catholic Church in the other, visited different places in the country. And what was the result? [Several hon. MEMBERS: What is the remedy?] He was showing them what would have been the remedy if the Home Secretary had not dug up an old Act relating to sedition or something of that kind. The *Weekly Register*, the organ of the Roman Catholics, said—

> "This man Murphy must be put down, for wherever he goes a Roman Catholic priest cannot once show his face."

[*Interruption.*] He was afraid some hon. Gentlemen were in the same position as the opponents of Murphy; being unable to answer the facts brought forward, they endeavoured to drown his voice. The instructions which Murphy received were not to go one iota beyond the actual teaching and preaching of the Roman Catholic priests from day to day and from Sabbath to Sabbath. And now he came to the remedy. And it was not a new one. It was the remedy adopted in the time of Queen Elizabeth, it was the remedy adopted in the time of Oliver Cromwell, and in the time of William III.; and it consisted in organizing a staff of men who, being protected in discharging the duty intrusted to them by the Government, were to make known to those who were under the control and domination of the Roman Catholic priests what were the ends aimed at by that great foreign Power, and what was the machinery by which it organized its influence in this country. Having disestablished the Church in Ireland, it was especially incumbent upon them to carry out this mission of protesting against Popery. He believed that 99 out of every 100 Roman Catholics had no real notion of the system under which they lived.

MR. BRYAN said, he did not wish it to be supposed, as he was about to vote with his hon. Friend the Member for Mayo (Mr. Moore), and the hon. Member for Dundalk (Mr. Callan), that he either approved or countenanced agrarian outrage. He was prepared to go any length with Her Majesty's Government and the House in the detection and punishment of agrarian outrage; but there were certain principles to be found in the Bill which he was not prepared to sanction. He did not urge that the effect of the Land Bill should first be tried before the present measure, which was really a corollary of the Land Bill, was proceeded with; for he knew that in Ireland there existed a necessity for a certain amount of coercion. But he objected to the powers which were about to be given to the local magistracy. An attempt had been made to prove that the local magistrates possessed the confidence of the country; but he had the authority of the Solicitor General for Ireland and of the Chief Secretary for Ireland for saying that the local magistracy needed improvement. He objected to the local magistrates having the powers proposed to be given to them by the Bill, because he believed they were subject to panic and to local prejudices. He objected to the clauses relating to the Press. He was informed that the Executive Government had already sufficient powers for dealing with the Press. He believed it was a principle of English law that everybody should be assumed to be innocent until he was proved to be guilty; but by this Bill it was proposed that the Lord Lieutenant should regard the proprietor of a newspaper as guilty until he had proved that he was innocent. But supposing that papers which the Government disliked were suppressed, as the Austrian Government, in the plenitude of its power, suppressed the press of M. Mazzini at Milan, how were they to guard against secret publications and the spread of secret societies? What was to be the test or criterion of a seditious publication? He hoped the right hon. Gentleman at the head of the Government, when he came to reply, would give the House a definition of sedition.

MR. CONOLLY said, it must be satisfactory to the Government to find that so many of their usual supporters would go into the Lobby against them and in favour of crime and outrage in Ireland; it must also be satisfactory to the Government to find that these same hon. Gentlemen were all with one accord against the employment of the local magistracy. From those two premises he drew the conclusion that the local magistracy of Ireland had, in some cases at all events, done their duty, and, therefore, that those hon. Gentlemen who were approvers and extenuators of crime and outrage in Ireland—["No, no,"]—were against the local magistrates, and against their employment in carrying out this Bill. He complained against the Government that in this Bill they had not availed themselves of the services of the local magistracy in Ireland. This complaint did not apply solely to the present Government, for during the last twenty years the Government of Ireland had been degenerating in this respect towards democracy. It was something worse than "Larcom and the Police," for they would now find the police without a head and without direction. The police were a good and efficient body of men; but it was of no use taking away the only power which would bring that body into effective action—namely, the local magistracy of the country. In this contemptible state of crime in Ireland what did the Government do? It paralyzed the action of the people of Ireland in defence of law and order. These crimes might be easily pursued to their source if the law were put in action by proper and legitimate means. Men were never led in Ireland or any other country except by their natural superiors. He remembered that when there were murders in Tipperary every member of the grand jury of the county came in his carriage to witness the executions of the persons convicted of these crimes, and ere long Tipperary was brought into a state of law and order. The task might be odious to the last degree, but it was necessary in the cause of law and order. He was ashamed to hear the Solicitor General for Ireland say that he had no confidence in the local magistracy.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) denied having said anything of the kind. He had said he could not say the magistracy of Ireland was in a satisfactory state; and in explanation observed that he had no objection to the magistrates now existing, but objected to the omission of persons from the lists who should be there.

Mr. CONOLLY: Well, at all events, the learned Gentleman was only a puny Member of the Government. It mattered little what the hon. and learned Gentleman thought or said; but it did matter to those who held the commission of the peace in Ireland that a slur should be cast upon them by this Bill. For himself he should never refuse to do his duty as a magistrate whoever might be in power; but he did say that the magistrates of Ireland, almost as one man, had called upon the Government to suspend the Habeas Corpus Act in Ireland. If the whole of Ireland were proclaimed the people of the North would not consider it an outrage upon them if crime and outrage could be put down in the South. They would not be afraid of the suspension of the Habeas Corpus Act with respect to Ulster, if by such means they could hope to repress crime in Munster. Let the magistrates be invested with the weapon of a suspended Habeas Corpus Act, and they would answer for the peace of the country.

Mr. WHITE said, he could not support the Bill, although he could not vote against the second reading, because he fully appreciated the laudable object with which the Government had introduced it. He was unable to vote for the second reading in consequence of his strong repugnance to that part of the Bill which had reference to the Press of Ireland. The seditious and treasonable character of a portion of the Irish Press was no novel affair, for he remembered seeing in the town of Athlone when he last visited Ireland, about twelve years ago, a newspaper printed partly in Irish and partly in English. He could vouch for the treasonable character of the portion written in English, and he dared say that the portion written in Irish was still more treasonable. One of the articles referred to a subscription then being got up for presenting Marshal M'Mahon with a sword, which the writer trusted he would wield on behalf of the nationality of the country that had given birth to his ancestors. In his judgment the clauses in question would prove utterly nugatory, as the whole experience of modern times was dead against the efficacy of Press laws. Even when the Austrians were in the plenitude of their power in Italy, they could not prevent the insurrectionary or patriotic writings of Mazzini being put in circulation, and even His Holiness the Pope, who, according to many persons, possessed supernatural powers, could not suppress within his own territory the publication of a newspaper which advocated the cause of Italian unity. Again, the late M. Herzen published in the Russian language at London a newspaper called the *Kolokol*, copies of which were shipped in large quantities to Poland, and extensively distributed by the agency of Jewish pedlars throughout the whole length and breadth of the Russian Empire; and the same was the case with regard to the *Lanterne*, the publication of which was prohibited in France. Now, even if Her Majesty's Government could utterly extinguish the seditious Press of Ireland, did they imagine for a moment that Ireland had a monopoly of Fenianism? Were there no Fenians in England, and would not plenty of persons be found willing to print treasonable papers in Liverpool, and by every packet that crossed the Channel would they not send a supply of sedition if there was a demand for it? In France there was always the most eager demand for prints which were prohibited, and he believed the same might be the case in Ireland after the passing of this Bill.

Colonel WHITE, although objecting, in common with many Irish Members, to many clauses in the Bill, and regretting its introduction at the present moment, was, nevertheless unable to oppose the second reading, as he could not object to any legislation which might tend to prevent agrarian crimes and outrages in Ireland. Agrarian crime, indeed, had now reached such a pitch that he for one would never say "No" to any remedial measure which might be proposed for its repression.

Mr. GLADSTONE: Sir, I have felt it to be my duty, in conformity with the usage of this House when the Government are proposing a Bill of this nature, which naturally and necessarily raises many questions affecting the conduct of the Government itself, to postpone addressing the House as long as it appeared that any hon. Gentleman was desirous of adding to the criticisms which have been passed upon it. But having now reached that point, Sir, I feel I could not with propriety allow the division to be called without asking for the indulgence of the House while I make a few remarks. My right hon. Friend the Member for Liskeard (Mr. Horsman) has expressed his regret that this Bill was not introduced by the head of the Government. I will only say, in answer to my right hon. Friend—the patriotic spirit of whose suggestion I entirely admit—that when that duty was committed to the Minister who had most closely followed from day to day the details of crime and outrage in Ireland, and who was best acquainted with the whole of the facts, the arrangement was not intended in the slightest degree to derogate from the responsibility of the Government at large, or to allow it to be for a moment supposed that we did not feel our whole credit at stake on the success of a measure such as this. With regard to the measure itself, the discussion has naturally enough run into three divisions. One has been criticism of the Bill, another has been the general conduct of the Government, and the third has been the conduct of the Government with regard to the introduction of this Bill. As respects the Bill itself, I must venture to remark that the criticisms of those who contend it has come too late have been balanced by the criticisms of those who contend that it has come too soon; while the judgments of those who have objected to it on the ground of its too great severity have been balanced by the judgments of those who accuse us of too great leniency. With respect to particular remarks, I would venture to assure the hon. Gentleman who lately spoke from the opposite side (Mr. Conolly) that nothing can be further from my intention than to allude to him as a person who is unfit to exercise any discretion which might be placed in his hands as an Irish magistrate, for I am convinced from all I have seen of the hon. Member, although I sharply differ from him in politics, that he would exercise any functions committed to him with most conscientious care, with kindness, and even with tenderness, as far as justice permitted, to all those who might be brought before him. But I venture to allude to the speech of the hon. Gentleman in this view—that when regretting that this Bill does not contain a provision for a prolonged suspension of the Habeas Corpus Act, he betrayed an unacquaintance with the precise nature of those suspending measures, because he imagined they gave to each local magistrate a general power of imprisoning on suspicion. I will now advert to the objection of the noble Lord the Member for King's Lynn (Lord Claud John Hamilton), who thought the case must be conclusive against the Government, if they were of opinion that agrarian crime existed to any extent in Ireland, and if they nevertheless allowed the suspension of the Habeas Corpus Act to be dropped. But the noble Lord, in his keenness to get up a case against the Government, has entirely omitted to notice the circumstance that the provisions of the Act suspending the Habeas Corpus have no relation to agrarian crime, and that if the suspension of the Habeas Corpus had been continued it could not have had the slightest influence on that species of crime, as all warrants issued under that Act must be warrants relating to high treason, treason-felony, or treasonable practices. With regard to the local magistracy, the hon. Member for Donegal (Mr. Conolly) will not think it unreasonable, if it implies any reproach, if we express an opinion that, after all the feuds and difficulties of Ireland, it is not possible that the local magistracy should be in a state of perfection. It does not follow that we have on that account no confidence in the local magistracy. If an hon. Gentleman on the other side of the House was unwise enough to bandy reproaches tonight between that body and the Government, saying that if we had no confidence in them they had no confidence in us, he can scarcely feel that the consequences of such indiscreet remarks may be to weaken the authority of the Executive in Ireland, and to produce a state of things which we might all have good reason to regret. For our part we have every disposition to respect the discretion of the local magistrates, and to make use of their services, so far, at least, as to expose ourselves to much criticism from many Irish representatives on the ground that we are going to ask Parliament to give them powers greater than they will be able to exercise to the satisfaction of the country. As is natural enough, the principal subject in the Bill itself which has been the subject of discussion is the provision relating to the Press. Here, again, the noble Lord the Member for King's Lynn says—"The moment you found you could not prosecute certain articles respecting treason-felony, you ought to have proposed an alteration in the law." This, however, I would assure him is not a point which can be decided with facility according to the hour which the minute hand of the clock may reach. I know of no more difficult question in any country than that which is involved in an interference with the laws of the Press. Has the noble Lord failed to observe that on those very Benches on which he sits a Gentleman equal in authority to most Members of this House—the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) —took grave objection to the provisions relating to the Press on the score of their stringency? Does not that fact make some impression on the mind of the noble Lord? Does it not suggest to the mind of the noble Lord, who has hardly reached the age for suspension of judgment with all its pains and penalties, that notwithstanding its suspension on political questions, it is alike a necessity and a duty? With respect to these clauses, it has been remarked on this side of the House that they confer great powers on the Executive. They do so, and they are meant to do so. It would, in my opinion, be idle to ask for any alteration in the laws relating to the Press, which embrace matters involving long consideration and much scrutiny, if that alteration gave us only some slight or narrow advantage. The state of the law, as I understand it to be in Ireland at this moment, is as follows:—My hon. and learned Friend the Solicitor General for Ireland (Mr. Dowse) has pointed out that one particular difficulty, which now presents itself, is that you are liable to lose the verdict by the dissent of one single man out of the twelve of which a jury is composed. Now that, without any general disposition to depreciate the character of Irish juries, is, I must say, an important fact. But that is not the only point. As I understand the matter, you may prosecute a newspaper for articles contained in it under one of two categories. You may prosecute it for treason-felony, or for seditious libel. Now, if you prosecute it for treason-felony, the proof is extremely difficult, because you are bound to prove not only the general tendency and animus and spirit of the writing, but the directness of the connection between the spirit of the article and the effect contemplated, so as to make it very hard indeed to bring home nothing more or less than an act of treason on the basis of written words. If, on the other hand, you prosecute for seditious libel, then you may, as the late Government did, obtain two convictions and secure the imprisonment of two editors. But what is the advantage obtained under those circumstances? The paper goes on, the seditious writing is not stopped. It may be said that the law authorizes the imposition of a fine as well as the infliction of imprisonment in such cases, but if the learned persons to whom is intrusted the carrying out of the law generally have recourse to the latter mode of punishment we have no power to interfere with them. It is clear we cannot dictate to the Judges what is the kind of punishment they should inflict, because we must take the sentences which they pass to be pronounced in accordance with the spirit of the law; and thus it happens that prosecutions for seditious libel are looked upon as being under the circumstances wholly inefficient. Now, the Government ask for powers by which this state of things might be remedied, and here I come to the objection which has been advanced by the right hon. Gentleman the Member for Oxfordshire. The objection I understand; but I am not quite sure that I am equally clear as to the remedy which he proposes. The right hon. Gentleman says we are quite right in asking for effective powers—powers to seize the types and apparatus necessary for the production of a newspaper. But "You ought not," he says, "to throw on the proprietor, or the parties suffering from that seizure, the onus of proof against you, and so place on your own side the advantages of defence." How does the right hon. Gentleman propose to escape from that difficulty? As I understand him, he would have us seize the materials and indict the parties. But suppose we do. In pleading to an indictment the party charged would, no doubt, have the advantage of defence. But suppose the indictment to fail, where is the man's remedy. It is no satisfaction to him that the indictment fails. He has suffered heavy loss; the progress of his newspaper has been stopped, its circulation and connection have been destroyed. How are you to give him a remedy? I do not understand how the right hon. Gentleman proposes to do so; but, perhaps, he will at a future stage of the Bill give the House some explanation on the point. For my part, I do not see what course would remain open to a person so placed, except that he should bring his action after the indictment against him had failed, and then the Government would have those very advantages of defence which the right hon. Gentleman contends we ought not to have. The only difference, then, between the right hon. Gentleman's plan and ours seems to me to be that under his plan the party would have to submit to the seizure of his property, the disadvantages of bringing an action, and the expense and anxiety of an indictment to boot. With respect to the justification of this Bill on general grounds, my hon. Friend the Member for Cork (Mr. Maguire), who spoke with great weight, representing, as he does, a great county, and because of his own character and ability—drew a comparison between the state of crime in Ireland and in England and Scotland, in which he himself can hardly, I think, have much faith. It is a pleasure to anyone connected with the Government or to any public man to be able to acknowledge that the state of general crime in Ireland is most satisfactory, and most honourable to that country. Some forty years ago the criminal population of Ireland was larger than that of England or Scotland; at this moment its criminal population is considerably smaller, speaking, of course, proportionately. But my hon. Friend says, "Crime is crime." Now, it may seem a great paradox; but I would observe that crime is not crime under all circumstances—that is to say, that one kind of crime is not to be compared to another kind of crime. In cases of legislation such as this we are not to take moral guilt for the measure of our action; we are to take social guilt. When we speak of general crime we speak of that which leads a weak or a bad man to vindicate his own private wrong against his neighbour. When we speak of agrarian crime, we speak of a crime in which the agent is the representative of a class or widespread feeling, and in which the sufferer also represents a class, and that not necessarily a very narrow class. We must, therefore, discard the comparison of the state of general crime in the two countries if we wish to arrive at the true ground and justification of a measure which is specially meant to operate in the case of agrarian crimes. On this subject my hon. and learned Friend the Member for King's County (Sir Patrick O'Brien) made a statement which is, I think, very well deserving of the attention of the House. There could not be a greater mistake than to suppose that this is a Bill which is introduced for the simple purpose of defending the lives of the landed classes or their immediate representatives. The mischief has spread far beyond that. Men in an humble position and with small means—aye! and women, too, in no small numbers, are the objects of agrarian crime. I hold in my hand a list of the number of the objects of crime reported by the Irish Constabulary since the 1st of August, 1869. The list comprises—landed proprietors, 3; stewards, agents, and employers of labourers, 9; or in that class which may be taken as representing property, 12 persons. But in the humbler orders, among those who are employed, such as policemen, gamekeepers, and other persons, the number on this list is 11; of farmers, 21; of women, 9; of labourers, 36 or 37; so that against 12 persons who may be said to be, in the present condition of Ireland, the objects of crime, to be representatives of property and the classes immediately connected with it, there are 78 representing labour and the feebler classes of the community. With regard to the Bill itself, I must say that on the whole, I think, there has been a chorus of something approaching to unanimity of approval of its general provisions, subject to certain reservations connected with the question of the Press, on which probably there may be some further discussion in Committee. But passing from the Bill, the introduction of which I think has received ample justification from the sense of the House, I would make a few observations on the conduct of the Government, which has been the subject of much animadversion on the part of some hon. Gentlemen opposite. Of these animadversions a great deal has related to the supposed rhetorical excesses of myself and other members of the Goverment. And here I must be allowed to put in a plea which the tone of the discussion upon this point has induced me to make. I do think, Sir, that it is only fair, and for the convenience of the House, to require that where Ministers are charged with anything affecting their position—that where men holding Offices of such great public responsibility are charged with having used language that has led to crime, that language should at least be faithfully produced. Instead of that my hon. Friend (Sir Thomas Bateson), in quoting words against me of which I had no trace, and of which I could not assign the source, seemed, with scant courtesy, to think it an unreasonable demand when I asked for the source from which he had drawn the words, telling me instead that he would supply me with them tomorrow morning after the debate would be all over.

Sir THOMAS BATESON: I said they were taken from *The Times* of October 24.

Mr. GLADSTONE: My hon. Friend only said that he thought the language he attributed to me was contained in that newspaper. Does the hon. Gentleman suppose that I have *The Times* newspaper for the last ten years beside me to refer to whenever I may be called upon to do so? [Sir Thomas Bateson: The date was 1868.] It is all very well to talk about the date. But what I want the hon. Gentleman to do is to produce the words which he attributes to me, and I hope he will produce them. I will only say that nothing can be harder upon a man, one of whose besetting and most flagrant sins is to have been guilty of many words, than to be put upon proof of the negative on charges of this kind. I am glad, however, to say that through the kindness of a friend I have procured a copy of that very Wigan speech to which my hon. Friend so obscurely referred. I have gone over it, and all I can say is that there is not a word in it which bears the slightest semblance to the words he has attributed to me. Here is the speech. Will the hon. Gentleman peruse it? I hardly suppose he will accept the offer. But if he would give a patient perusal to these documents, I think he would derive considerable advantage from them. Well, then, passing from that, there is a phrase which has been very larely circulated, to the effect that Ireland should be governed according to Irish ideas, and this phrase has been attributed to me. Well, again I have to prove a negative. I cannot do it. I cannot prove that I never used such words. All I can say is, that I am not conscious of having used them. Although I have been made the scapegoat of much of the disorder prevailing in Ireland on account of that phrase, I have never been able to get from hon. Gentlemen opposite the slightest indication where the phrase is to be found. I am very sorry to trouble the House upon this point, but the only passage I am conscious of—the passage nearest in meaning to the doctrine imputed to me, that Ireland was to be governed according to Irish ideas—occurs in a speech of mine delivered in this House on the 8th of February, 1866—

> "Sir, I hope, therefore, that while this House will avoid giving forth to the world vague promises capable of misapprehension, I also hope that as each subject connected with the condition of Ireland comes before us, we shall be able to treat it, if it be specifically Irish, with a special view to Irish objects and interests."—[3 *Hansard*, clxxxi. 272.]

First of all, those sentences are transmuted at will by prejudice and party feeling. They are then circulated throughout the country, are produced at length in this House, and upon them are founded most striking discourses addressed to me and others upon the dangers of rhetorical exaggeration. Then there is my noble Friend the Secretary of State for Foreign Affairs (the Earl of Clarendon). I need not hardly speak of him after the defence made by my right hon. Friend (Mr. Chichester Fortescue) further than to say that he never alleged there was a class of landlords in Ireland who were felonious, and no one can extract that sense from his words. There is another victim—my right hon. Friend the Home Secretary (Mr. Bruce)—who, it seems, has been guilty of describing the laws of Ireland as "infernal laws." That, Sir, I admit is certainly strong language for a Secretary of State to make use of. But to what Irish laws did my right hon. Friend refer? Why, to the Penal Laws of the last century. He referred in particular to the detestable and shameful law, for which no epithet can be too strong, according to which any member of a Roman Catholic family who became Protestant, was by law entitled to defraud his family of their rights and property. Well, Sir, my right hon. Friend — the admirable balance of whose mind on nearly all subjects all of us admit—did use a strong word in describing that law; and who agrees with him in the use of this strong word? Why, the hon. and learned Member for Stroud (Mr. Winterbotham). That hon. Member knows the Bishop of Peterborough very well, for he referred to him the other night. And what did the Bishop of Peterborough say of these laws? Here are his words, uttered upon the 15th of June, 1869—

> "On the one hand there were the Penal Laws—those infernal Penal Laws, as I will join in calling them, which now excite our indignation."—[3 *Hansard*, cxcvi. 1861.]

Coming now, Sir, to other matters, I shall refer next to the attack made upon the Government by my right hon. Friend the Member for North Lancashire (Colonel Wilson-Patten). He made a speech the other night upon the subject of the Bill. He did not say very much respecting the measure itself; but he dwelt at considerable length upon our misdeeds. My right hon. Friend has passed a long and most honourable Parliamentary life, but he is very young in the practices of party. I do not mean dishonourable practices, for my right hon. Friend is incapable of anything of that kind. But it is not long since he took to party as a line of duty, and he therefore forgot some things which he might have remembered, and remembered some things which he might have forgotten. Above all, he accused us of this—He said—"All your strength has been directed against your political opponents."

COLONEL WILSON-PATTEN: Certainly not. I said you showed more vigour on the one side than on the other.

MR. GLADSTONE: I think there was some vigour on both sides. My right hon. Friend forgot one act of vigour when we took upon ourselves the responsibility of proposing to Parliament to pass a special Bill depriving the Mayor of Cork of his office. That was our first and by far our strongest and most severe act. Nothing but the strongest necessity could justify a Government in invoking against an individual the whole power of the Legislature to crush him, and surely this is some evidence of impartiality. [Colonel WILSON-PATTEN: No!] So far from that, my right hon. Friend thinks it an evidence of weakness. He absolutely makes a charge against the Government that we did not carry the Bill through. Now, this charge does not apply to us alone. It applies to him. The Bill was before the House. We said—"We think on the whole that the House need not proceed with it." Why did my right hon. Friend not object to the proposal? [Colonel WILSON-PATTEN: I did object.] Did my right hon. Friend say the Bill ought to go on? [Colonel WILSON-PATTEN: Yes.] I am sorry that I did injustice to my right hon. Friend's policy of vigour. But what was the course he seems to have recommended? After this person had been elevated to a momentary notoriety by receiving a municipal office—after having been guilty of most improper and unbecoming language, so as to make it necessary to appeal to Parliament to remove him from his office, and that after he had given to the offended majesty of the law such a reparation as had never before been witnessed in Ireland, by the voluntary surrender of his office—my right hon Friend, after all this, would have gone on with the Bill, crushing a man who was crushed already, and endeavouring to inflict upon him disqualification for life, he having previously by his own act entirely disarmed himself of the power of doing any further mischief. ["No!"] My right hon. Friend says No. But yet he says that he would have gone on with the Bill, and if he had done that I do not know what he means, except what I have hinted at. What I have described, however, as the effects of such a policy would have resulted from going on with that Bill. At any rate, I feel sure, if he had proposed to go on with the Bill after the Mayor had resigned and had thus removed the *corpus* of the offence, this House would never have consented to pass the Bill. Now as to the conduct of the Government upon the Bill itself. The right hon. and learned Gentleman (Dr. Ball) performed a service to us and to the House by an able and exhaustive analysis of the provisions of the Bill—an analysis to almost the whole of which I should subscribe, though I am not sure I should agree in his general doctrine with regard to the unanimity of juries. He was of opinion that, in the first place, the subject of the Bill ought to have been treated quite independently of what is called remedial legislation, and should have been taken as the cardinal and essential measure of the Session. He also said it was a measure which should have been introduced earlier, though whether at the beginning of the Session or during the autumn he did not specifically state. As to the treatment of this Bill—independently of remedial legislation, if it be laid down as a general and abstract proposition that measures for the repression of crime and disorder, and for the maintenance and security of life and property, ought to be held separate from subjects of general legislation, I entirely agree with him, and we are giving testimony of our adhesion to that principle in making the great sacrifice of foregoing the progress of the Land Bill in order to give this Bill the first and exclusive place till it shall have gone through all its stages, and be sent to the House of Lords. It would, however, be pushing the abstract principle too far if we were to say that, in the peculiar circumstances of Ireland, we would have no regard to remedial legislation. There may be Gentlemen in this House who hail a Bill of this kind with eagerness, and who have a faith in the extent and radical character of its operations in which we do not participate. It is a reproduction of measures which temporarily suppress mischief without curing, and possibly with some risk of aggravating more permanent and deeply rooted evils. A Bill of this kind never can be regarded justly except as the lesser of two evils. Nothing can be more painful, I hope, to any Government, but certainly to any Government associated with the Liberal party, and those who glory in the profession of popular principles of action, than to find themselves constrained by duty to pursue a policy of repression. If anything could add bitterness to such a necessity, it is that the moment they are compelled to make that proposal should be the moment when, in their own belief, and in the belief of the House and the country at large, not only they have made to Ireland, but Parliament by its acceptance of the principle of the Bill has made to Ireland, such an offer as a Parliament hardly ever made to a people. But, Sir, it is impossible to conceive a nicer class of questions than those which present themselves to the mind of any Cabinet considering of the introduction of a Coercion Bill for Ireland under such circumstances. The right hon. and learned Gentleman said we were absolutely bound to introduce this measure at the commencement of the Session, and I make him two replies. I do not think we should have been justified in absolutely saying—"We will not present any measure for the maintenance of peace and the protection of life and property in Ireland until we have produced our Land Bill, and obtained a vote of the House upon it." I do not say that; on the contrary, I repudiate it; still, the fact that the measure to the operation of which we looked for a permanent cure was ready and was about to be produced was, in a nicely-balanced state of things, an element that could not but enter into the case. There was another element it was our duty to consider, and one which has not been as yet introduced into this debate, and it is this—Gentlemen will recollect that in the Speech from the Throne it was stated that a partial improvement might be observed in the state of things in Ireland, and that was strictly true. In January there had been a material diminution in the number of homicides and offences. I have here a monthly record of offences, including, as hon. Gentlemen know, that which certainly is often a very serious matter, though sometimes a lighter matter, but always an act of the grossest misconduct—namely, the writing of threatening letters. These are the figures as they stand — In October, 1869, the number of agrarian offences was 59; in November it was 144; in December, 337; and in January, 251. I think the right hon. and learned Gentleman will see that the diminution occurring at that time was an important element entering into our consideration of the case. The rise had been sudden; we could not tell whether the fall would continue. The fall has not continued; but even in February the total number of offences reported was considerably less than it was in December. Now, with respect to the question of time, I assume from what has been said in the debate, that the right hon. and learned Gentlemen does not think it would have been our duty to call Parliament together in November. But let me observe, with respect to the criticism of the right hon. Gentleman the Member for Oxfordshire, that this measure ought to have been proposed five weeks ago, if he will have the kindness to refer to former periods of crime followed by legislation in Ireland, I think he will find in every instance that the Government responsible for making proposals has pondered long before making them. As we were told to-night, disorder prevailed in Ireland for years after the passing of the Emancipation Act; and it seems to be a fatality in the history of the country, whether from excitement or from whatever cause, that those periods of extraordinary access of the disease of crime —for it is a natural disease—have commonly fallen upon periods of legislation favourable in one sense or another to the rights of the Roman Catholics of Ireland. The years 1830 and 1831 were, I believe, bad years in Ireland; the number of murders (which last year was 29) was 248 in 1832; and after waiting long and patiently Lord Grey's Government proposed the Coercion Bill in 1833. I do not think they were then told they should have done it five weeks earlier, and that they were liable to I know not what responsibility for life and property because of the lapse of those five weeks. In the same manner, 1845 was a year of legislation when this country was greatly stirred by measures proposed by Sir Robert Peel in the interests of civil and religious liberty in Ireland; but it was also a year of very great prevalence of agrarian crime in Ireland. The number of homicidal offences in 1845 was 66, while last year they were 26. Although that amount of crime was being committed, Sir Robert Peel made no proposal in that year; but he made a proposal in the year 1846; the proposal which he made even then Parliament did not think it proper to accept; and it was not until 1847 that a remedy, in the partial and narrow sense of the word, was applied, for such measures as these are necessarily violent methods of treatment applied only to external symptoms, and not touching the seat of disease. Therefore I think experience shows us that Governments, and wise Governments—aye, and Conservative Governments—have thought it wise not to act on the first impulses of terror and alarm with respect to these periods of crime; but that they took time to weigh well the whole character and nature of a step so serious as making a demand upon Parliament for the concession of extraordinary powers of repression. And is that an unwise course? Why, does not the whole benefit of these measures, so far as they can pretend to secure a moral benefit, depend upon the cheerfulness and general assent with which they are received by Parliament? If we had come down to the House in a doubtful state of mind—if we had been liable, as I know we should have been, to hear, not only representatives from Ireland, actuated by generosity and a necessarily warm patriotism, but possibly many persons of weight and experience representing other constituencies, expressing doubts as to whether the question was ripe for legislation—who does not see, in the first place, that the progress of our measure would have been delayed, that we should have lost in angry and unprofitable controversy week after week, and that, when the Bill was passed, it would have gone forth as the expression of a divided sentiment, instead of being, as it will now be, the organ of the judgment of Parliament, which in heart and mind is thoroughly at one upon the subject? I say thoroughly one, because after listening to the speech of the hon. Member who spoke last, and who showed by the step he took a week or a fortnight ago a disposition to carry to the utmost the vindication of popular principles in Ireland, I observed that he said he would not take on himself the responsibility of refusing to the Government the powers asked for by this Bill. The hon. Member for Cork (Mr. Maguire), too, used a remarkable expression, for he stated that he must vote against the Bill, but insinuated this apologetic protest, that the course he took would not interfere with the result. I think there was in his mind a latent fear lest he might be supposed to do anything which would have an injurious effect on the progress of the Bill. When my right hon. Friend the Secretary for Ireland endeavoured carefully to balance and measure his statements with respect to the condition of crime in Ireland, he was not only challenged but condemned by the right hon. Member for Oxfordshire for having laboured to take away the strength of his own case. Now I object to that kind of comment. It is our duty to avoid conveying an exaggerated view, as it is our duty to weaken our case whenever we are afraid that an impression may without qualification be produced which would carry with it a conviction beyond what the facts of the case would really warrant; and it was from a regard to measure his statements in accordance with truth and justice that made my right hon. Friend obnoxious to the censure of the right hon. Member for Oxfordshire. We shall not scruple to incur that censure whenever we see cause, and with respect to the present condition of Ireland my right hon. Friend stated quite sufficient to satisfy the mind of the House. But do not let us, on that account, despair of Ireland. The present disorder in that country is not altogether, as represented by the right hon. Member for Oxfordshire, a wanton, causeless outbreak. It is so essentially, but it is not that kind of transaction which you cannot refer to some probable causes, and those causes are the diminution of employment, the restriction of the means of livelihood, the increase in the expense of living without an increase in wages; the consolidation of farms and the transference of land to pasture, without sufficient consideration of the effect of such a proceeding on the condition of the labouring classes. These are considerations which ought not altogether to be put out of view; but we do not admit that they in the slightest lessen our duty to make the necessary provision for the security of life and property in Ireland. I have mentioned that the homicides in 1869 were fewer than in 1832; but, on the other hand, allowance should be made for the diminution of the population. Yet, I cannot but believe that the condition of Ireland has on the whole improved, though it has lost ground within the last five years. But another cause which should be taken into account in estimating the present condition of Ireland is, that the remedy we apply, unlike a remedy of a moral kind, loses and does not gain strength by repetition, and it is applied to a people among whom fomentors of discontent or agitators are stronger than in former times, in consequence of having their base of operations abroad. I cannot, however, refer to this topic without expressing my sense of the injustice done to the people of the United States, when they are made responsible for that base of operation, and I think that there is greater cause for them to find fault with us for transporting to them a multitude of Fenians than for us to blame them for the consequences which flow from that state of things. Another cause which leads to crime is the greater portability of arms in the present day; and let me point out that forty years ago we were dealing with a people of high natural intelligence, but with small opportunities of cultivating their gifts of mind, and that we now have to do with a people far more instructed and informed, and, therefore, more difficult and dangerous to deal with until they are reconciled to the spirit of our legislation. In all cases, as I have stated, the Government have shown by their example the necessity of taking time before introducing a measure of a character like the present, and I have been surprised to hear in the present debate hon. Gentlemen who look to the period of the existence of the late

Government as a golden age, speak of agrarian crimes as being unknown under the *régime* of the Government. Still the increase of agrarian crime is great and lamentable, and in referring to a statement of the amount of those crimes I will draw a distinction between the more serious and lighter kinds of agrarian crime. The two great classes of agrarian crime which may be called the lightest are the administration of unlawful oaths and the sending of threatening notices. The increase of agrarian crime from 1868 to 1869, if you include those two classes, was from 160 to 767, but deducting those two classes, and reckoning only those which are of the weightest character, the result is that in 1869 the number was 116, and in 1868 the number was eighty-five. It is a mistake to suppose it was the creation of a moment, and that it sprang into existence during the last autumn. The year 1866 was the minimum year of agrarian crime. The period of the late Government, which was not their fault, was a period of increase, a pretty steady increase in agrarian crime. At any rate, in 1866 the total of agrarian crime was only eighty-seven, and in 1868 the total was 160. Something was said by the right hon. and learned Member for the University of Dublin (Dr. Ball) upon the subject of the Executive of Ireland; and he quoted an expression which I think has been correctly attributed to the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli)—that Ireland had a very weak Executive. Sir, I do not quite know in what sense that sentiment is to be understood. It is to be understood, I think, in reference—I do not refer to it for any purpose of censure, or even criticism, but merely as a matter of historical discussion, or rather a discussion of the existing facts — that the Executive of Ireland is, if we measure its strength by the faculties accorded to it by law and practice, not a weak, but a very strong Executive. It is a far more powerful Executive than England possesses. If power is to be regarded as a thing that can be created by legal and authoritative arrangements, apart from social and moral influence, the Government of Ireland is highly decentralized; the Government of England is highly centralized. In that sense Ireland has a very strong Executive. Why has she a very weak Executive? Because it wants moral influence; because it has not the co-operation of any class of the people, high or low, to the same degree as in this country, or up to the degree necessary to constitute a healthy state of things. The co-operation of the class possessed of property it has to a certain extent; but, unfortunately, as we go downwards, we come to a broader stratum of society, where not only that co-operation is wholly wanting, but we get into a region of sentiment infinitely various in their shades, but all very different from that which is necessary to constitute loyal and healthy attachment to the law; and it is upon that loyal and healthy attachment to the law that the whole strength of an Executive clearly depends in the only sense in which that strength is either desirable or permanent. Now, Sir, I venture to differ a little from the right hon. and learned Member for the University of Dublin, in one thing, when he said—I am not sure that I am differing merely with his words, or rather with their sense—that these agrarian crimes were perpetrated by a class we could not get at. Now, Sir, the whole object of a good Irish policy, in my opinion, is to aim at the isolation of that class which perpetrate agrarian or any other political outrages —either agrarian or Fenian outrages. The whole object of a good Irish policy, therefore, ought to be to attract moral strength to the Government. We must isolate that class. How? By drawing from it gradually all the persons who —though they do not belong to it, yet palliate its proceedings, excuse its acts, and sympathize with it to a great extent, sometimes tacitly, sometimes actively, and in that way to bridge over with a mass of neutral, and occasional sympathetic materials, the wide gap between the mere murderer, the mere criminal, and the loyal mass of an honest-minded people. Sir, it is only by wise and liberal legislation that isolation can be effected. I cannot deny I feel that the process of isolation is more or less checked by the necessity of penal legislation of this kind. It is, therefore, under a strong necessity that we have proposed it, proposing it we have not for one moment dreamt of endeavouring to weaken the proposals we have made, so that they should not be in our judgment ineffectual for the attainment of our purpose; but our desire and hope is that being strong, they may be effectual; that, being effectual, the evils may speedily pass away, and that Parliament may be enabled to resume in peace that process of beneficent legislation upon which alone we build our permanent hopes for the future. And if that is realized—if our temporary measure be well adjusted to temporary need, and our permanent measures be well calculated to provide for a better future, we should not much grudge the criticisms, though we may not be able to concur in them, and may find in them occasionally something of a carping spirit—those criticisms which may, of course, very fairly be cast upon a Government, especially upon a Liberal Government, when it makes a demand upon the House for the purpose of what it admits to be an occasional and painful description of legislation.

Question put.

The House *divided*:—Ayes 425; Noes 13: Majority 412.

AYES.

Acland, T. D.
Adderley, rt. hn. Sir C. B.
Agar-Ellis, hon. L. G. F.
Akroyd, E.
Allen, Major
Amcotts, Colonel W. C.
Amphlett, R. P.
Anderson, G.
Annesley, hon. Col. H.
Anson, hon. A. H. A.
Anstruther, Sir R.
Archdall, Captain M.
Arkwright, A. P.
Arkwright, R.
Armitstead, G.
Assheton, R.
Ayrton, right hon. A. S.
Aytoun, R. S.
Backhouse, E.
Bagge, Sir W.
Bailey, Sir J. R.
Baines, E.
Baker, R. B. W.
Ball, J. T.
Barclay, A. C.
Baring, T.
Barnett, H.
Barrington, Viscount
Barry, A. H. S.
Barttelot, Colonel
Bass, A.
Bateson, Sir T.
Bathurst, A. A.
Baxter, W. E.
Bazley, Sir T.
Beaumont, Capt. F.
Beaumont, S. A.
Bective, Earl of
Beresford, Lt.-Col. M.
Bingham, Lord
Birley, H.
Blennerhassett, Sir R.
Bolckow, H. W. F.
Bonham-Carter, J.
Booth, Sir R. G.
Bourke, hon. R.
Bouverie, rt. hon. E. P.
Bowmont, Marquess of
Bowring, E. A.
Brand, right hon. H.
Brand, H. R.
Brassey, H. A.
Brassey, T.
Brewer, Dr.
Bright, R.
Brinckman, Captain
Brise, Colonel R.
Broadley, W. H. H.
Brodrick, hon. W.
Brogden, A.
Brooks, W. C.
Brown, A. H.
Bruce, Lord C.
Bruce, Lord E.
Bruce, right hon. H. A.
Bruce, Sir H. H.
Buller, Sir E. M.
Burke, Viscount
Burrell, Sir P.
Butler-Johnstone, H. A.
Buxton, C.
Cadogan, hon. F. W.
Cameron, D.
Campbell, H.
Candlish, J.
Cardwell, right hon. E.
Carington, hn. Capt. W.
Carnegie, hon. C.
Cartwright, F.
Cartwright, W. C.
Castlerosse, Viscount
Cave, right hon. S.
Cavendish, Lord F. C.
Cavendish, Lord G.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Chadwick, D.
Chambers, T.
Chaplin, H.
Childers, rt. hn. H. C. E.
Cholmeley, Captain
Cholmeley, Sir M.
Clay, J.
Clive, Colonel E.
Clowes, S. W.
Cogan, rt. hn. W. H. F.
Cole, Colonel hon. H. A.
Colebrooke, Sir T. E.
Coleridge, Sir J. D.
Colthurst, Sir G. C.
Conolly, T.
Corry, rt. hon. H. T. L.
Cowper, hon. H. F.
Cowper-Temple, rt. hn W
Craufurd, E. H. J.
Crawford, R. W.
Crichton, Viscount
Cross, R. A.
Dalrymple, C.
Dalrymple, D.
Dalway, M. R.
Damer, Capt. Dawson-
Davies, R.
De La Poer, E.
Dent, J. D.
Devereux, R. J.
Dick, F.
Dickson, Major A. G.
Dilke, Sir C. W.
Dimsdale, R.
Disraeli, right hon. B.
Dixon, G.
Dodds, J.
Dodson, J. G.
Dowdeswell, W. E.
Dowse, R.
Duff, M. E. G.
Duncombe, hon. Col.
Du Pre, C. G.
Dyke, W. H.
Eastwick, E. B.
Eaton, H. W.
Edwardes, hon. Col. W.
Edwards, H.
Egerton, hon. A. F.
Egerton, Sir P. G.
Egerton, hon. W.
Elcho, Lord
Ellice, E.
Elliot, G.
Enfield, Viscount
Ennis, J. J.
Erskine, Admiral J. E.
Ewing, A. O.
Eykyn, R.
Feilden, H. M.
Fellowes, E.
Fielden, J.
Figgins, J.
Finnie, W.
FitzGerald, rt. hn. Lord O. A.
Fitzmaurice, Lord E.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. H. W.
Fletcher, I.
Floyer, J.
Forde, Colonel
Forester, rt. hon. Gen.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, rt. hon. C. P.
Fortescue, hon. D. F.
Fothergill, R.
Fowler, R. N.
Fowler, W.
Garlies, Lord
Gavin, Major
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldsmid, Sir F. H.
Gooch, Sir D.
Gordon, E. S.
Gore, J. R. O.
Gore, W. R. O.
Goschen, rt. hon. G. J.
Gourley, E. T.
Gower, hon. E. F. L.
Gower, Lord R.
Graham, W.
Grant, Col. hon. J.
Graves, S. R.
Gray, Lieut.-Colonel
Greaves, E.
Gregory, G. B.
Gregory, W. H.
Greville, hon. Captain
Grey, rt. hon. Sir G.
Grieve, J. J.
Grosvenor, hon. N.
Grosvenor, Lord R.
Grove, T. F.
Guest, A. E.
Guest, M. J.
Gurney, right hon. R.
Hadfield, G.
Hambro, C.
Hamilton, Lord C.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamilton, I. T.
Hamilton, J. G. C.
Hanmer, Sir J.
Hardy, right hon. G.
Hardy, J.
Harris, J. D.
Hartington, Marquess of
Haviland-Burke, E.
Hay, Lord J.
Hay, Sir J. C. D.
Headlam, rt. hon. T. E.
Henley, rt. hon. J. W.
Henley, Lord
Henniker-Major, hn. J. M
Henry, J. S.
Herbert, hon. A. E. W.
Herbert, H. A.
Hermon, E.
Hibbert, J. T.
Hick, J.
Hildyard, T. B. T.
Hoare, Sir H. A.

Hodgkinson, G.
Holland, S.
Holms, J.
Holt, J. M.
Hood,Cap.hn.A.W.A.N.
Hope, A. J. B. B.
Hornby, E. K.
Horsman, right hon. E.
Howard, hon. C. W. G.
Hurst, R. H.
Hutton, J.
Hyde, Lord
Illingworth, A.
Ingram, H. F. M.
Jackson, R. W.
James, H.
Jardine, R.
Jenkinson, Sir G. S.
Jessel, G.
Johnston, A.
Johnston, W.
Johnstone, Sir H.
Kavanagh, A. MacM.
Kay-Shuttleworth, U.J.
King, hon. P. J. L.
Kingscote, Colonel
Kinnaird, hon. A. F.
Knatchbull - Hugessen, E. H.
Knightley, Sir R.
Knox, hon. Colonel S.
Lacon, Sir E. H. K.
Laird, J.
Lambert, N. G.
Langton, W. G.
Laslett, W.
Lawrence, Sir J. C.
Lawrence, W.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Lefevre, G. J. S.
Lennox, Lord G. G.
Leslie, C. P.
Lewis, J. H.
Lindsay, hon. Col. C.
Loch, G.
Locke, J.
Lopes, Sir M.
Lorne, Marquess of
Lowe, rt. hon. R.
Lowther, J.
Lowther, W.
Lubbock, Sir J.
Lusk, A.
Lyttelton, hon. C. G.
M'Arthur, W.
M'Clure, T.
Macfie, R. A.
Mackintosh, E. W.
M'Lagan, P.
M'Laren, D.
Magniac, C.
Maitland,Sir A.C. R. G.
Manners, rt. hn. Lord J.
March, Earl of
Martin, P. W.
Matheson, A.
Maxwell, W. H.
Mellor, T. W.
Melly, G.
Meyrick, T.
Miall, E.
Milbank, F. A.
Miller, J.
Milles, hon. G. W.
Mills, C. H.
Milton, Viscount
Mitchell, T. A.
Monk, C. J.
Monsell, rt. hon. W.
Montagu, rt. hn. Lord R.
Morgan, C. O.
Morley, S.
Morrison, W.
Mowbray, rt. hon. J. R.
Mundella, A. J.
Murphy, N. D.
Newdegate, C. N.
Nicholson, W.
Noel, hon. G. J.
Northcote, rt. hon. Sir S. H.
O'Donoghue, The
Ogilvy, Sir J.
O'Loghlen, rt. hon. Sir C. M.
O'Reilly-Dease, M.
Otway, A. J.
Paget, R. H.
Pakington, rt. hn. Sir J.
Palmer, J. H.
Palmer, Sir R.
Parker, C. S.
Parker, Lieut.-Col. W.
Parry, L. Jones-
Patten, rt. hon. Col. W.
Pease, J. W.
Peel, A. W.
Pelham, Lord
Pell, A.
Pemberton, E. L.
Percy, Earl
Philips, R. N.
Phipps, C. P.
Pim, J.
Platt, J.
Plunket, hon. D. R.
Pollard-Urquhart, W.
Potter, E.
Potter, T. B.
Powell, W.
Price, W. E.
Price, W. P.
Ramsden, Sir J. W.
Rathbone, W.
Reed, C.
Richard, H.
Ridley, M. W.
Rothschild, N. M. de
Round, J.
Russell, A.
Russell, F. W.
Russell, H.
Rylands, P.
St. Aubyn, J.
St. Lawrence, Viscount
Salomons, Sir D.
Samuda, J. D'A.
Sandon, Viscount
Sartoris, E. J.
Saunderson, E.
Scourfield, J. H.
Seely, C. (Lincoln)
Seely, C. (Nottingham)
Selwin - Ibbetson, Sir H. J.
Seymour, H. de G.
Shaw, R.
Sheridan, H. B.
Sherlock, D.
Sherriff, A. C.
Shirley, S. E.
Sidebottom, J.
Simeon, Sir J.
Simonds, W. B.
Sinclair, Sir J. G. T.
Smith, J. B.
Smith, R.
Smith, W. H.
Stacpoole, W.
Stanley, hon. F.
Stansfeld, rt. hon. J.
Stapleton, J.
Starkie, J. P. C.
Stevenson, J. C.
Stopford, S. G.
Stronge, Sir J. M.
Strutt, hon. H.
Sturt, Lieut.-Col. N.
Talbot, J. G.
Taylor, rt. hon. Colonel
Tipping, W.
Tollemache, hon. F. J.
Tollemache, J.
Tracy, hon. C. R. D. Hanbury-
Trevelyan, G. O.
Turner, C.
Vance, J.
Vandeleur, Colonel
Verner, W.
Vickers, S.
Vivian, A. P.
Vivian, H. H.
Vivian, Capt. hn. J.C.W.
Walker, Major G. G.
Walpole, hon. F.
Walpole, rt. hon. S. H.
Walsh, hon. A.
Walter, J.
Waterhouse, S.
Wedderburn, Sir D.
Welby, W. E.
Wells, W.
Wethered, T. O.
Whitbread, S.
Whitwell, J.
Whitworth, T.
Williams, W.
Williamson, Sir H.
Wilmot, H.
Wingfield, Sir C.
Winterbotham, H. S. P.
Wise, H. C.
Winn, R.
Wynn, C. W. W.
Young, A. W.
Young, G.

TELLERS.
Adam, W. P.
Glyn, hon. G. G.

NOES.

Bagwell, J.
Bryan, G. L.
Carter, Mr. Alderman
D'Arcy, M. P.
Digby, K. T.
Downing, M'C.
Gray, Sir J.
Heron, D. C.
M'Mahon, P.
Maguire, J. F.
O'Brien, Sir P.
O'Conor, D. M.
Synan, E. J.

TELLERS.
Callan, P.
Moore, G. H.

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Thursday.*

House adjourned at One o'clock.

* * *

HOUSE OF COMMONS,

Wednesday, 23*rd March,* 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Churchwardens Eligibility * [87].
Second Reading—Wages Arrestment Abolition (Scotland) * [69]; Burials [8].
Referred to Select Committee—Burials [8].

BURIALS BILL—[Bill 8.]

(*Mr. Osborne Morgan, Mr. Hadfield, Mr. M'Arthur.*)

SECOND READING.

Order for Second Reading read.

Mr. OSBORNE MORGAN, in moving that the Bill be now read the second time, said, it was perhaps unnecessary that he should remind the House that by the laws of England—unlike, in this respect, the laws of either Scotland or Ireland — the parish churchyard, although the property of every parishioner in this sense — that every parishioner, whatever might be his religious opinions, had an indefeasible right to be interred there, was absolutely closed against the ministrations of Nonconformist clergymen, and against the services of any other Church than the Church of England. And this exclusion was not, as was often supposed, a matter of privilege upon which the incumbent might or might not insist as he pleased; it was a matter of obligation which the law compelled him to enforce. Again, the same law which excluded the Dissenting minister from the churchyards compelled the incumbent to read the same form of Burial Service over every baptized parishioner —not being a *felo de se*, or an excommunicate person—whatever might have been the tenour of his life, the circumstances of his death, or the nature of his religious opinions. And when he spoke of unbaptized persons, he did not mean merely those who had been admitted by baptism into the pale of the Church of England; for the law as now clearly settled—with some inconsistency, he admitted — recognized for this purpose the validity of baptisms administered by Dissenting clergymen, by laymen, and even by women. He used the word "inconsistency" deliberately, for could anything be more inconsistent than that a man should be required, on one day of the week, to devote a heretical parishioner to everlasting perdition, and, on another day of the week, to commit the same man's body to the ground in the sure and certain hope of a blessed resurrection? On the other hand, in the case of unbaptized persons — from whatever cause or accident the omission to celebrate the rite might have arisen — the law absolutely prohibited any funeral service whatsoever — in fact, it treated the unconscious infant who died before the rite could be administered, and the conscientious Dissenter, who from religious scruples objected to its administration, with less tenderness than the malefactor who perished by the hand of justice, or the reprobate who had lived and died in avowed defiance of all laws of God and man. In this respect this country stood almost alone among civilized nations, for in countries long the strongholds of priestly intolerance—the Legislature had lately sanctioned, nay, enjoined, the performance of certain religious ceremonies over the graves of unbaptized persons; so that, in this respect at least, it would seem that even Italy — benighted and Catholic Italy—was more tolerant than enlightened and Protestant England. That such a state of things should have continued down to the present day was mainly due to the fact that a considerable proportion of our population was practically unaffected by it. In most towns of England the parish churchyard had long given way to the parochial cemetery, in the unconsecrated portions of which Dissenters might be, and, of course, constantly were, buried by their own ministers and with their own religious rites. But in rural parishes where the parish churchyard was still and was long likely to be the sole place of interment, the pressure of the present law was felt in all its severity; and lest it should be thought that the area of the grievance of which he complained was but limited, and its operation but slight, he might, perhaps, usefully remind the House that the parishes unprovided with parochial cemeteries were to those so provided in the proportion of 16,000 to 600, or about twenty-five to one. It was far, indeed, from his wish to say one single word in disparagement of that beautiful Burial Service of the Church of England, which few Churchmen could listen to without emotion; but it must be borne in mind that these things were matter of association and temperament, and that language which to himself, a Churchman, appeared all but inspired, to a Dissenter might appear cold, meaningless, and conventional. And putting these considerations quite out of the question, there was surely something very natural in the desire, so common in every age and in every country, and which was so largely shared by the Dissenters of this country, that the religious ceremony performed over a man's grave should be performed by the minister who instructed him in health, who advised him in tribulation, and consoled him in death, and that the closing scene of his career on earth should be in harmony and in keeping with the dearest and most cherished associations of his life. He never knew how strong and how deep this feeling was among Dissenters until it was brought home to him by a very painful incident which occurred at a funeral in his own neighbourhood about a year ago—that of the Rev. Henry Rees, one of the brightest ornaments of the Welsh Calvinistic community, who died, as he had lived, respected—venerated—not only by the members of his own communion, but by good men who knew him of every communion. His funeral presented one of those remarkable spectacles rarely seen out of Wales. The funeral procession was swelled by thousands of poor country people, many of whom had walked twenty, and even thirty miles to pay this last tribute to his memory. But when the procession arrived at Llandysilio Churchyard, the rector of the parish—standing, no doubt, on his strict rights—positively refused to allow any expression of feeling on the part of the vast multitude assembled, except the singing of a hymn selected by himself, and this being declined, the body was deposited in the grave amid that enforced silence. It was impossible to describe the painful impression created by this incident, not only in the neighbourhood where it occurred, but throughout the whole of Wales—no single circumstance which had occurred within the last ninety years had done more to widen the gulf already wide enough between Churchmen and Dissenters in that locality, or to shake the already weakened and tottering fabric of the Church in Wales. In this case, at least, there was no actual breach of the peace, or other unseemly demonstration. But such scenes might and did occur under the present law. The hon. and learned Member then read from a local newspaper an account of what occurred in the case of John Alcock, a parishioner of Cauldon, a rural parish in the centre of England. This man, who was a Dissenter, died on the 25th September, 1863, of age and paralysis. On the following Sunday the corpse was taken to the parish church for interment, in the usual way; but the incumbent, the Rev. Rowland Henniker, refused to perform the service—conduct for which he assigned no reason. Appeal being made to the Bishop of Lichfield, he wrote an expostulatory letter to Mr. Henniker; who thereon gave permission to the parish clerk to put the body in the grave, but refusing himself to read the burial service. This was communicated to the Bishop, who wrote requesting the parish clerk and churchwarden to get the nearest clergyman to bury the body, and promising to indemnify him. The Rev. Mr. Ward undertook the duty; but Mr. Henniker got possession of the keys of the church, and refused to permit him to do so. The relatives of the deceased, fearing that the corpse might be clandestinely put into a grave by night, kept watch and ward; and for some time the churchyard was more like the scene of a riot than consecrated ground. At length Mr. Ward determined to perform the service without the incumbent's consent; they accordingly proceeded to the church with the relatives, and took possession of the corpse; but Mr. Henniker quickly arrived, stripped the surplice off Mr. Ward, and locked himself into the church. Mr. Ward then performed the service in the churchyard, and the poor man was buried, having been kept above ground fourteen days. Here was another case. At the petty sessions, at Smallburgh, Norfolk, the Rev. E. P. Neale, vicar of Horsey, charged Joseph Fish and Ann Nockolds, two of his parishioners, with having, on the 29th August, 1860, been—

> "Guilty of indecent behaviour in the churchyard of the said parish of Horsey, by then and there singing on the way to and at the grave of an unbaptized child, by which singing the said E. P. Neale was then and there vexed and troubled."

"The act of indecency," which vexed and troubled the sensitive soul of this reverend gentleman, was thus described. The defendants, who "were religious, God-serving people," without wishing to annoy the vicar—

> "Carried the child to the churchyard, and feeling it hard that they should not be allowed to go in, not understanding Mr. Neale's reasons, knelt down outside in the road, and there offered up prayer. They then rose, and in orderly procession walked to the grave, where they sang the hymn commencing 'Alas! how soon the body dies!'"

The Bench held that "an act of indecency" had clearly been committed, and thought they acted leniently in inflicting a fine of 1*s.* only, and 26*s.* costs, or in default three days' imprisonment! He would quote another case, because it showed to what a shocking length the law might be strained without being broken. At Hinderwell, near Guisborough, a woman was delivered of twins. One of them died in a few minutes, and the doctor, seeing that the other would not live, baptized it. It also died in a few hours, and then both the little ones were placed in the same coffin. The fact, unfortunately, came to the knowledge of the clergyman, and he insisted that the body of the unbaptized should be placed in one, and of the lay-baptized infant in a second coffin. When the interment took place, the person carrying the coffin containing the unbaptized infant was ordered to stand at a little distance from the grave, and when the service had been read over the other child, and the clergyman had got a proper distance, the other child was placed in its last resting-place! And this ghastly exhibition of clerical intolerance occurred not in the 15th century, but in the year of grace 1860, in one of the wealthiest and most highly favoured counties of England. In these cases the clergyman had the law on his side; but very often the case was reversed—the tables were turned, and it was the clergyman who violated the law. He referred to those cases—unfortunately not uncommon—where incumbents, in direct defiance of the law, have refused to read the funeral service of the Church over baptized Dissenters. No doubt in these cases the aggrieved relatives—like all other aggrieved persons in this country—have their remedy. No doubt they might cite the offending incumbent before the Court of Arches—they might appeal from thence to the Privy Council — they might spend some thousand pounds, and several years of their lives in that useful and exhilarating process—and, by that means, they might obtain a decision of two Archbishops, three or four Law Lords, and any number of Privy Councillors in their favour, and they have the satisfaction of going down to posterity as the plaintiffs in a leading case. But it could hardly be wondered at that poor ignorant people, without friends and without funds, should shrink from invoking so terrible a remedy as that. Or they might write to the Bishop, in which case they would probably get the stereotyped answer, that "his Lordship is very sorry, but that it is not in his power to interfere." Or lastly, they might write to the newspapers, and invoke the aid of the Press. And what were they likely to gain by that? Why everybody who had the misfortune to know a clergyman of that stamp, knew that he did not care a rush for public opinion. He held it to be part of his duty to defy public opinion, and he revelled in doing so—and as for making him amenable to public opinion, they might as well try to wound a rhinoceros with a pea-shooter. Therefore, he said, that a clergyman who chose to defy the law in that respect, practically did so with impunity. In a pamphlet entitled *A Plea for Free Churchyards*, Mr. Williams, who had taken a great interest in this subject, had given several remarkable instances of this practice, which, as they had not been contradicted, he presumed to be true. The hon. and learned Member read several of these cases—among them one in which the incumbent refused to bury a baptized Unitarian, on the ground that "Unitarians are not Christians;" and another in which, the body of a child being at the side of the grave, the certificate was declared to be informal; and while the father went away to obtain advice, the clerk was instructed to put the child in the grave, on the ground, that, as the body had been left in his freehold, it had become the clergyman's property. He thought, then, it was apparent from what he had stated that, whatever might be the merits or demerits of any Bill, the law which it sought to amend was not only unsatisfactory, but intolerable. And this had been expressly admitted in this House in former debates, by speakers on both sides of the House. In 1863, in particular, a speech was made on the second reading of Sir Morton Peto's Burial Bill—a Bill similar in purpose to that which he had introduced—which, both from the position and authority of the speaker, and the value of the sentiments it contained, deserved the attention of the House. He would quote a short extract from it—

> "If the Dissenter has access to the churchyard, it is subject to the condition of having the service of the Church read over his remains; and I must

> confess that that is not a state of the law which is consistent with those principles of civil and religious freedom on which, for a series of years, our legislation has been based. I do not see that there is sufficient reason why, after having agreed most properly that the entire community should have the power of professing and practising what form of faith they pleased during life, we should say to their relatives, after they are dead, we will at last lay hands upon you, and not permit you to enjoy the privilege of being buried in the churchyard where the remains, perhaps, of your ancestors repose—at all events where you are parishioners—unless you appear there as a member of the Church of England, and have the service of the Church of England read over your remains. That appears to be an inconsistency and an anomaly in the present state of the law, and is in the nature of a grievance."

Those were the words of the right hon. Gentleman the present Prime Minister of England. He was glad to see his right hon. Friend the Home Secretary in his place. He hoped he came there to endorse the sentiments of his Chief. As he had already stated to the House, the law of England differed in this respect from the law of Ireland. The burial laws of Ireland, as the House was aware, had recently been altered; but, even before that alteration, the burial laws of Ireland were far more favourable to Nonconformists than the burial laws of England; for by an Act passed in 1824 (Lord Plunket's Act), Roman Catholic priests and Dissenting ministers were admitted to officiate in parish churchyards, provided they obtained the permission of the incumbent—a permission which, as a general rule, was readily granted. But, because, at a time when religious feeling ran high, a few clergymen in Ulster refused this permission, the Legislature thought a grievance had been made out, and it passed only two years ago an Irish Act exactly similar in principle to this Bill; so that, in fact, in asking the House to assent to this Bill, he was only asking the House to assimilate the burial laws of England to those which already prevailed in Ireland. The first six clauses of the Bill were intended to put an end to the unseemly conflicts and collisions which sometimes occurred in churchyards, and on which he had already sufficiently dwelt. These were matters of detail which might, if necessary, be altered in Committee. The 7th clause, for which he had been severely attacked where he expected support, secured the burial fees to the incumbent—it simply left existing rights untouched. It might be thought that if they relieved the incumbent from performing the service they ought not to pay him for the work which he no longer did. But the fee was paid him—not for the performance of the burial service—but for the right of breaking open the ground, which, undoubtedly, was his freehold. But there was a more serious argument in favour of retaining the clause; for it was obvious that if they took away the incumbent's burial fees, they did to a limited extent, and by a side-wind, disendow the Church, and however anxious many of his hon. Friends might be to see the question of the disendowment and disestablishment of the Church raised at the proper time, and in the proper shape, few, he apprehended, would care to see so great a question raised in so piecemeal and fragmentary a manner. He came now to the 8th clause, which required a little more detailed consideration. This clause threw upon the poor rates the expense of maintaining the parish churchyards—putting them, in fact, entirely upon the same footing in this respect as parochial cemeteries. Now, it seemed to him that this clause met the only valid objection which he had heard urged against the Bill of his hon. Friend the Member for Sheffield (Mr. Hadfield), that it was not just that Dissenters should use the ground for which they did not pay, and that if all enjoyed a common benefit, all might fairly be expected to bear the burden of this benefit. And, accordingly, when he obtained leave to bring in the Bill, he stated, somewhat rashly, as the event showed, that he thought this was a clause to which no one on either side of the House could object. But he had no sooner done so than his hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope), who was too honest a foeman to accept even a gift from an enemy, rose in his place, and avowed his objection to the clause upon the ground that it revived the obsolete and exploded question of church rates. Now, he had not the honour of a seat in that House during the period of the church-rate agitation; but if he remembered rightly, the main objection to church rates was grounded upon this—that it was unjust to compel a Dissenter to contribute to the cost of a building, which he not only never entered, but could not conscientiously enter. But how did this reasoning apply if churchyards were thrown open to Dissenters upon equal terms with Churchmen, and how could parish churchyards so thrown open be put, logically, upon a different footing from parochial cemeteries? However, as the clause seemed to be as unpalatable to his Nonconformist supporters as it was to hon. Gentlemen opposite, and as it in no way affected the principle of the Bill, he should certainly not think of pressing it, if the Bill went into Committee. But, in that case, it would be necessary to provide some other means for keeping churchyards in repair; for since the abolition of church rates, he was told that, in many places, they had fallen into a state which was a positive scandal to the country, and which no Dissenter who was admitted to the benefits of this Bill would wish to see perpetuated. That was the whole of the Bill; for the other two clauses were only formal. He did not say that it was a perfect Bill. He did not say that it was not a Bill which might not be usefully amended in Committee; but he did say that it was an honest attempt to settle a vexed question upon a just basis. He must now say a word about a proposal which he understood was about to be made by several hon. Gentlemen who were friends to the principles of the Bill, that it should be referred to a Select Committee. He frankly avowed that he had no faith in Select Committees, as a means of dealing with such Bills as these. In cases where intricate legal rights were involved, as in the case of the Bill which stood next on the Paper—the Married Women's Property Bill—Select Committees might do much good; but for that purpose its members must have a common stand-point, and must be able to meet upon a common ground. Now, that was exactly what, he feared, no Select Committee could do in this case, and, unfortunately, they had a precedent which was not at all favourable to such a course. In 1862 Sir Morton Peto's Bill, which was similar in principle to the present Bill, was referred to a Select Committee, and it came out of that ordeal so changed that its best friends hardly knew it again, and those who did scarcely cared to recognize its features. Nor did he see anything which a Select Committee could do for this Bill which could not be done in a Committee of the Whole House. If objections were brought against the Bill, he would endeavour to meet them, and if he could not meet them, he would yield them; but let the matter be fought out here, in open day, and let them not be sent upstairs to be slaughtered in the dark. The objections which might be taken to the Bill were, as he conceived, four in number. First, there was the old argument about the Bill being an invasion of the rights of the incumbent, in whom, no doubt, the freehold of the churchyard was vested; but that argument was founded upon an entire fallacy. It was quite true that the freehold of the churchyard was vested in the incumbent; but for whose benefit? Not for his own. Nobody contended that he was entitled to a monopoly of the whole churchyard. Nor was it for the purpose of the Church generally. The churchyard was vested in the rector for the use and behoof of all his parishioners, irrespectively of their religious opinions; and that trust, being a public trust, might, of course, be varied and modified by the Legislature as they thought fit. The incumbent had, indeed, certain rights of his own in the churchyard—he had a right to receive his accustomed burial fees, which right the Bill carefully preserved to him; and he had also the right, if they could call it a right, the barren—he had almost said the odious right—of insisting upon reading over the grave of a Dissenter a form of service which was, perhaps, the most touching message of peace and consolation ever composed by man, when it fell upon softened and sympathetic hearts, but which became a cold and cruel mockery when addressed to unwilling ears. But beyond that he had no interest whatever in the churchyard, except what the lawyers called the dry legal estate. Then it was said that Dissenters ought to provide themselves with graveyards of their own; but, surely, such a suggestion was, upon the face of it, unpractical. Would it be a seemly thing—would it be desirable upon sanitary or pecuniary grounds, that every thinly-populated rural parish should be furnished with two or more graveyards? In town districts, perhaps, such a proposal would be feasible; but, in town districts, the Bill would have no operation. Again, it was said, that if the Bill was passed there would be no safeguard against the occurrence of riotous and unseemly scenes at funerals; but the 5th clause provided such a safeguard—and, what was more, he did not believe such a safeguard would ever be needed. As he had already pointed out, Dissenting ministers officiated both in Irish churchyards and in parochial cemeteries, and in no case had it ever been suggested that anything of the kind had occurred; and even, if the case were otherwise, he thought some of the scenes he had described as happening at Hinderwell and Cauldon, and other places, might fairly be set off against any consequences which the most timid imagination might conjure up as likely to flow from the passing of that Bill. The last objection was one with which he found it somewhat difficult to deal. It was said that the churchyard was ground consecrated by the Bishop, and that all loyal Churchmen would resent as a desecration its invasion by the minister of any Disssenting connection. If that argument were worth anything at all, one would think it might be used against the burial of a Dissenter in a churchyard, to which, however, no reasonable man thought of objecting. But instead of bandying these kind of arguments, which were scarcely becoming the importance of the subject, he thought it best to rest his answer to the objection upon the feeling which was growing up in favour of such a measure as this—not only among Churchmen, but among a considerable portion of the English clergy themselves — not such as those whose conduct he had described, but earnest and hard-working clergymen, who, for the most part, were as tolerant as they were hard-working—for, depend upon it, the same cause which nerved a man to his work also softened and enlarged his heart —those earnest and hardworking clergymen who were the heart and the brain of the Church of England; and but for whom the Church of England would, long ere this, have been swept into the sea. And what were the facts? In June, 1851, 3,814 clergymen memorialized the Episcopal Bench for a change in the burial laws, delaring them to be "the occasion of a grievous scandal to many Christian people." Again, on the 1st of April, 1863, 3,014 clergymen petitioned the other House for the same purpose, and Lord Ebury moved for the appointment of a Royal Commission to consider the subject. These men, no doubt, felt that the law placed them in a false and cruel position—that they were blamed where the law ought to be blamed—and they demanded a change in the law, not only as an act of justice to Dissenters, but as an act of justice to themselves; and since this Bill was printed he had received several letters from clergymen written in the same spirit, and he was convinced that these sentiments were gradually gaining ground in this country. He was persuaded that the time was rapidly coming—nay, he believed it had already come—when good and earnest men of all religions were beginning to look rather to that which unites them than to that which divided them—rather to the spirit which made them one, than to the letter which kept them asunder. And if there was a moment in life which ought to be identified and bound up with those higher and nobler feelings—surely it was that solemn moment when, standing as it were on the border-land of life and death, they were met together over the newly-opened grave of one whom they loved in life and mourned in death, to forget for a while the bitterness of a common loss in the consolations of a common hope. It was to that better, that higher—that more Christian spirit that he appealed on behalf of that Bill —the spirit which bade the petty discords, and the jealousies, and the animosities of fleeting life be hushed in the presence of death—the spirit which prompted that noble epitaph which, in their great national mausoleum, marked the spot where, side by side, repose the two greatest of England's statesmen—

> "Hi motus animorum atque hæc certamina tanta
> Pulveris exigui jactu composta quiescunt."

He left the Bill in the hands of the House. It was certainly not a measure like those they had lately been discussing —a measure fraught with political significance—or big with social reforms. And yet he thought it a measure not unworthy the attention of legislators and statesmen. For it was a measure which had for its object to soothe the severity of sorrows which, God knows, were hard enough to bear without being aggravated by cruel laws—to minister peace and consolation at times and in places where peace and consolation were most grateful and most needed, and to make the parish churchyard once more that which their forefathers in their homely but expressive language loved to call it— "the acre of God." The hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Osborne Morgan.*)

MR. ASSHETON CROSS, in moving an Amendment that the Bill be read a second time that day six months, said, he would endeavour to say nothing that could wound the most sensitive feelings of Members on the other side of the House. He was, and he always had been, ready to remove every real grievance under which Dissenters laboured; and no one who remembered the course he took in conjunction with the noble Lord the Member for Middlesex (Viscount Enfield) in the matter of church rates, would accuse him of not appreciating their complaints. In endeavouring to remove one grievance, however, and to remove that which jarred with the feelings and consciences of some members of the community, we ought to be careful that we did not, at the same time, inflict a greater injury upon the rest of the community, and that we did not carry our remedy very much further than was necessary to accomplish our purpose. He took it to be the common law of the land, that every parishioner had a right to be buried in the graveyard of the parish church, and, subject to certain exceptions — such as the case of those who laid violent hands upon themselves, persons excommunicate, and the unbaptized—to have the Burial Service of the Church of England read over him. The construction placed by law upon these restrictions showed the spirit in which they ought to be regarded by the clergy of the Church in the performance of their duties. It was laid down by Cripps, in his *Laws of the Church and the Clergy,* that—

> "The clergyman cannot constitute himself a judge of what is or what is not baptism, because that is determined by the law, which he is bound to obey; and no person is to be considered unbaptized, so as to be refused Christian burial, who has been baptized according to the essentials of baptisms already defined, by whomsoever, whether priest or layman, that ceremony has been performed."

Again, the exception of those who had laid violent hands on themselves did not include all who had committed suicide—those who had done so when they were not responsible for their own acts were entitled to Christian burial, and the exception applied only to those who committed suicide knowing full well what they were about. Further, the exception of those who were excommunicate did not apply to a man simply professing unbelief, however openly; he must have been actually and positively excommunicated, or he did not come within the exception. If the spirit in which the law regarded these restrictions had been generally accepted by the clergy there would have been, he thought, very little ground of complaint. Now this being the state of the law, what was the actual extent of the grievance for the removal of which persons had a right to ask this House? It might be said that if anyone were aggrieved, it was the clergyman himself, who would say—"I feel that in certain cases the beautiful words of the Burial Service are inapplicable." But the removal of this grievance was not the question before the House, it was rather—what were the grievances of the parishioners themselves? They were, he thought, two in number. First, the man who differed from the Church of England might complain that, while he had been free not to avail himself of her services during life, the moment his breath was out of his body, if according to the law of England he was buried in his parish churchyard, the clergy might insist upon reading the Burial Service of the Church of England over him. This was, he was willing to admit, a grievance which existed to a certain extent, in the cases of Dissenters. It might, however, be easily remedied without so extreme a measure as that now submitted. The second grievance existed in a small degree, and affected a very small number of persons in the whole kingdom—in the cases of Baptists, and, perhaps, of Quakers. The children of Baptists were not baptized until they had arrived at a responsible age, and by the law as it stood the children of Baptists were not in such a condition that a clegyman was bound to bury them, because they were practically unbaptized; and Quakers rejected baptism altogether. Practically, this grievance, restricted to Baptists and Quakers, existed only in rural parishes, because in all towns their cases was met by the cemeteries, which were provided for their use; and, further, the grievance existed only in those rural parishes where, unfortunately, there happened to be a clergyman who thought it proper to insist upon his rights more than he ought to do and than he was bound to do. The actual grievance, was therefore a very small one, and one which hardly called upon the House to make such a vast alteration in the ecclesiastical law as was proposed by this Bill. This question was no new one. It was brought before the House in 1861, by a Gentleman in whom Members opposite would have the greatest confidence—Sir Morton Peto—who, in a spirit of the greatest moderation, introduced a Bill having reference only to the two grievances he had stated. In 1862 the Bill of the hon. Baronet was reintroduced, in a very moderate speech, was read a second time, and referred to a Select Committee. It was again introduced in 1863, but was refused a second reading. That Bill, besides, was a moderate measure—very different from the one now before the House. The first clause of that Bill made it imperative that a clergyman should allow a Dissenter to be buried in the churchyard without any service being read over him. To that proposal he (Mr. Cross) had a great objection, because he should be sorry to see the law positively recognizing interment without any service. The second clause provided that the clergyman, without being compelled, might allow ministers of other denominations to read their service over the body of the dead in the churchyard, subject to notice being given to the clergyman of the funeral, of the denomination to which the deceased belonged, and of the nature of the service to be read; and in default of such a service, another clause provided that what was done should be confined to the reading of the Scriptures, prayers, and the singing of hymns. The provisions of that Bill were deemed perfectly satisfactory by the Nonconformists when it was proposed. But what a difference there was between them and the provisions of this Bill. This measure proposed that the relatives of any one, whether a member of the Church or not, might claim to bury him in the churchyard, and bring any minister of any denomination to read any service over him, or might dispense with one altogether. Such proceedings as these would disturb the discipline of the Church of England and inflict an injury on the Church which he was sure was not intended; for under such provisions anything might be done without the slightest regard to the feelings of the parishioners or to the possibility of a breach of the peace. Suppose a man had died in communion with the Church of Rome in one of those parishes where the feeling against it was intense—what would be the effect of a Catholic funeral with all the rites of that Church and a procession in the parish churchyard? Would it not be likely to lead to a disturbance? At all events, it would grate most harshly upon the feelings of the inhabitants, and would produce more ill-feeling than existed before. There would be nothing to prevent the friends of a man who had lived in open infidelity taking him to the parish churchyard and having an infidel lecture delivered there; and such a proceeding would certainly not promote peace and unity in a parish. Another question arose in considering this Bill—how it was proposed to draw the line between the church and the churchyard. If admission were given to the churchyard, would not the next demand be that the church door should be opened? The hon. Member in introducing the Bill had chosen to refer to the acts of three or four clergymen, whom he was not there to defend, and who had unquestionably shown themselves wanting in discretion, prudence, and temperate judgment. But while he admitted this, the hon. and learned Gentleman must allow him (Mr. Cross) to add that he could not himself rely implicitly upon the discretion, wisdom, and prudence of the members of other denominations any more than on the ministers of his own; and he was sure they would have cases where the ministers of different denominations would take advantage of the Bill and would go to the churchyard for the purpose of making an oration over the dead person simply for the purpose of bearding the clergyman in his own parish. ["Oh, oh!"] This was not simply his view—but it was that of a great number of people outside the House, and it was the view taken in 1861 by a journal of great weight and eminence as an exponent of public opinion, and whose leading articles upon matters affecting public feeling and interests deserved the greatest possible attention. On the 25th of April, the day after a debate in this House, *The Times* said—

"We are too great lovers of peace in ecclesiastical affairs to think of converting every parish church into a bear-garden, where every man who takes out a licence to preach may beard the parson on his own ground."

And when the subject again came before the House, in April, 1863, *The Times* had an article upon the debate, in which it said—

> "The Church is justly alarmed at a measure which proposes to bring congregations of Dissenters, headed by their ministers, and bringing their own worship into the churchyard, to the very door of the church, where it is in vain to expect they will be content to stop. . . . Nor is it unimportant that while the Church Service only reads and prays, the Dissenters will preach even while they pray, and will thus be tempted to a sort of conflict with a rival tied to a form of words."

He believed that the ministers of these denominations, however good and religious they might be, would sometimes be tempted—as clergymen had been in the cases named—to use their power without that discretion which they ought to use, and that indiscretion would be likely to result in a breach of the peace. But where would his hon. and learned Friend stop? It was idle to suppose that those who brought forward this Bill would rest content there. If, on a wet, stormy, or wintry day the clergyman refused to open the church door as a matter of charity, what would be said? It would be said that the clergyman had committed an outrage against decency, common sense, and common feeling, and that he ought to have admitted the funeral party into the church; and then a Bill would be brought in to open the church doors. If a Dissenting service must sometimes be read in the church, the funeral oration or the "preaching in the praying" would be spoken from the pulpit; practically, the Dissenters would have a service in the church:—and this would not be doing things "decently and in order." If it once became a recognized thing that these services should be held within the church, it would next be demanded that Dissenters should perform their marriage service by their own ministers in the church; and next they might claim the right to hold services in the building when it was not occupied by the clergyman:—indeed, there was no principle in the measure which limited its application—nothing upon which they could take their stand and tell the Dissenters that thus far they might go and no further. The Bill related to all churchyards and graveyards belonging to the Church of England; and Returns obtained by the Marquis of Salisbury a few years ago showed that a large number of churchyards had been given to the Church by private members of the Church of England within the thirty or forty years immediately preceding. He apprehended that in these cases the donors never contemplated that they were giving churchyards in which any service other than that of the Church of England was to be read. Moreover, there was no reciprocity in what was proposed; and on this point he must again refer to the article which appeared in *The Times* in 1861. It said—

> "In these matters, as in all matters of difference, the conflicting parties ought to put themselves in one another's position, and act for the other side as well as for their own. How would Dissenters regard a law which laid their chapels and burial grounds at the mercy of any clergyman who might choose to improve the occasion for a mediæval ceremony, with symbolical ornaments and rites, and a vigorous protest against the sin of dissent from the Holy Catholic Church? . . . Would the cause of peace and spiritual unity be furthered thereby?"

If hon. Members opposite would consider this matter they would see that they had carried their remedy further than the grievance. The Irish Act of 1824 was passed to relieve Irish clergymen from the imputation of illegality in permitting Presbyterian and Roman Catholic interments in the parish churchyards without their reading the Church of England Service; previously the denominational service had been read at the chapel or the house of the deceased, the body was interred in the churchyard quietly and without offence, and no clergyman ever thought of refusing his consent; but after the passing of the Act denominational services were read in the churchyards, and it then became necessary to make the practice compulsory, instead of permissive, which was done in 1868, and thenceforth the distinctive services were held in the churchyards. But he must say that, whether looking to earlier or more recent times, he would hardly go to Ireland for a precedent for English Church legislation. How then would he meet the real grievances of the Dissenters in this matter? It seemed that the two real grievances felt in this country could be met fairly by saying to Dissenters—"You may bury in the churchyard, and we will relieve you from having the service of the Church of England read over you, provided you will show us you have had a religious service read over you before you come." This would correspond to what was done in cemeteries where service was read in the chapel; and where would the hardship be? What he would have the Church say was—"Go to the chapel and have the service read; only show us you mean to have it read before you bring the body to be buried, and we will admit it. We would rather you brought it here than took it elsewhere; but we do not want to legalize burials without any religious service at all; we do not want to have human creatures buried like dogs, and, therefore, we wish to take care, if we do not read our own service, that you go to your own chapel and have a service read there." Considering that the grievance was that in many places there were no burial grounds belonging to Dissenters, while as a matter of fact there was hardly a place in England where there was not a Dissenting chapel, he believed his proposal would meet the justice of the case without giving offence to anyone. He would move that the Bill be read a second time that day six months.

Mr. TIPPING seconded the Amendment, and he did so because he had no faith that the measure, if adopted, would be productive of that peace and good-will which were promised as its result. He had always remarked that every concession to the Dissenters was urged on the ground that on its being made harmony and good-will would immediately ensue; and immediately it was granted, it was seized upon as a vantage ground for some further demand. Personally, he occupied upon this question peculiarly neutral ground, corresponding to that taken on education by the right hon. Gentleman the Vice President of the Council, who said with so much dignity the other night that he was neither a Dissenter nor a Churchman; but he had a strong affinity to the Church of England, and was anxious to maintain her dignity and independence. The hon. and learned Member opposite wished to introduce a moderate Bill, but there was a pressure behind him which carried him further than he intended to go. What was the use of so much talk about tolerance and moderation when they all knew the object of the Bill was to undermine the Church of England through the graveyards? That was the plain object of the Dissenters — and he did not blame them for it; he only desired they would attack the Church in front—meet the bull face to face, and not bring fireworks round its neck merely to goad and irritate it. He admitted there were grievances, and that some clergymen acted without common sense and discretion; but surely this could be remedied without selecting the tenderest of all the corns the Church of England had got in order that Dissenters might have the luxury of treading upon it. Nothing would produce such internecine war as the introduction of varied forms of service into the churchyard. The object in getting there was to get into the church, and it would be better to say so at once. The hon. and learned Member (Mr. O. Morgan) had made great complaint of the conduct of a Welsh clergyman on the occasion of the funeral of an eminent Welsh minister, when a minister of his own denomination was not allowed to say a few words over his grave. But the hon. and learned Member forgot the incumbent would have been obliged to refuse the privilege sought if the deceased had been an eminent Churchman. The service of the Church of England was a written and prescribed service; if such an address were permitted they could not stop at *eloges*—and he did not want to see the exhibitions of Père la Chaise introduced into the English churchyards. It was very remarkable, by the way, that the demand for this measure should have emanated from Wales—for if he needed a lesson in toleration — which he very possibly did—Wales would be the last place to which he should go to look for it. It was objected to the English Church Burial Service that it was "cold." To this he could only answer that it was chiefly based upon the writings of St. Paul, and that the most impassioned passages of his Epistles were embodied in it. According to M. Renan, St. Paul was the first of Protestants. But he did not wonder at the Dissenters raising this objection to our Burial Service, for they sought to give the lie to St. Paul upon occasion of every funeral by proving that, after all, there was a sting in death and a victory in the grave—there would be a sting for the unfortunate parson, and there would be a victory for the Dissenting minister, who would pray at the parson beside the grave, and enjoy the victory of his discomfiture in his own churchyard. The Church of England had better be preserved in its full dignity or put an end to as a State Church; the respect in which it was now held should not be sapped by attempts of this kind. No doubt, men like the senior Member for Sheffield did not care for the dignity of the Church, and as to Bishops and Archbishops, the hon. Member (Mr. Hadfield) would be ready to dig a big grave and bury them all, perhaps bringing his own Dissenting minister to perform the service over them afterwards. He was anxious, however, to know the course which would be pursued by the Government. The Nonconformists looked upon the right hon. Gentleman the Prime Minister as a chosen vessel to carry out the voluntary principle, while he considered himself as a devoted son of the Church. When, for instance, it was imputed to him in the Irish Church debates that disestablishment in Ireland would lead to the same result here, the right hon. Gentleman shook his head with the utmost apparent dislike that his Irish Church policy should cross the Channel. But then the right hon. Gentleman seemed to hold peculiar views of the Darwinian theory of development, and it would be interesting to know how far the English vine, typified by the Church, was passing into the Upas tree which would at last be marked out for destruction by the right hon. Gentleman. Allusion had been made to the Quakers; but being of Quaker origin himself, he could say that this was no Quaker grievance. The Quakers generally had graveyards of their own, and honour for his forefathers led him to ask that they should not be associated with this attack upon the Church. He believed that the passing of the Bill would conduce to anything but peace; and it was most important that the House should not, for the mere sake of carrying out a certain principle based upon jealousy of the Church by those who were outside the Church, introduce in villages and country parishes a permanent seton, the irritation arising from which it would be difficult to allay. If this system were pursued, we should establish the most peculiar form of Christianity ever known—the disunity of the faith in the bonds of war.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Cross.*)

MR. CANDLISH said, it was admitted on all hands that the Dissenters had a real grievance to complain of. The Baptists alone numbered more than 1,000,000 persons, and the grievance was felt by all Nonconformist denominations. It was, therefore, no inconsiderable portion of the community who were aggrieved by the present state of the law. In outlying districts the grievance was often severely felt, and he could not see why either Baptists or Quakers should be placed in such a position. All that the Bill proposed was to allow a religious teacher of any particular creed to enter the churchyard, and repeat any prayer or religious ceremonial over the body. It was idle to say that, if this claim were granted, Dissenters would claim to use the churches; all they desired was that their feelings should not be outraged. It was said that if they were let within the churchyard, Dissenting ministers would next want to preach and marry inside the church. It would be time enough to deal with that question when it arose. In no scheme that had yet been brought forward was it proposed so to use the parish churches, and the Irish Church Bill of last year was a proof of this. There was not the slightest pretence for saying that, if the Bill were passed, unseemly harangues would be delivered over the graves of Dissenters. The burial of a near relative was not an occasion likely to be used for such a purpose; and, if anything of the kind occurred, Parliament would no doubt soon put down such an evil. Clause 5 was confined to religious observances only, and did not authorize speeches or declamations at the grave. He did not see any reason why the opponents of the Bill should be scandalized at the idea of Roman Catholic ceremonies taking place if the deceased held that faith, and saw no reason to apprehend that the conduct of those who witnessed them would not be perfectly decorous. How, it was asked, would Dissenters like to admit the burials of Churchmen by clergymen in their denominational cemeteries? His answer was, not at all; but were the cases analogous? The cemeteries belonged to the particular denomination; it was their private freehold. But in the parochial churchyard, every parishioner had a right of burial; and as the public churchyards were the property of the public, Dissenters asked nothing but what was consistent with good feeling and justice in asking leave to have their own religious ceremonial in such churchyards over their own dead. On what ground was a Dissenter to be refused Christian burial, while a Churchman was allowed such burial; all were entitled to the same privileges. On what ground could the Mover of the Amendment claim Christian burial for his relatives, any more than he (Mr. Candlish) was entitled to claim it for his relatives? He obeyed the law, and was entitled to the privileges of a citizen no less than the hon. Gentleman. Cases of refusal of Christian burial were by no means uncommon. In March, 1869, a case occurred near Ipswich, in which the Rev. W. Potter refused to perform the burial service over the remains of a member of his own Church—not because he lived a dissipated life, but simply because he had not been christened, or, as Mr. Potter said, because "he had not been made a Christian." In this case, a funeral *cortége* had to stop under the shadow of the church, and a Dissenting minister performed some service, in order that the friends of the deceased might be spared the pain of seeing their relative buried like a dog. Was it essential to the Christian character that a man must be baptized according to the rites of the Church of England, or the Church of Rome? But there lay all the obstacle in the way of the use of the Burial Service. If the principle was conceded that in social matters all ought to stand on one common basis, where was the justice of refusing the rite of Christian burial in public churchyards, which belonged to all? He earnestly hoped the House would pass the second reading of this Bill, and that the right hon. Gentleman at the head of the Government would not frustrate the object of those who had laboured in the cause for years, by proposing that the Bill should be referred to a Select Committee.

Mr. BERESFORD HOPE: I must begin by observing that, without any fault of their own, or of the other side, but by the nature of things, the supporters of the Bill stand at an advantage, and its opponents at a correlative disadvantage. The former are enabled to take up a Utopian position, and to argue that while there may be conceited and wrongheaded men among the clergy of the Established Church, those who seek the remedy now proposed will accept and use what is given to them with the utmost propriety and decorum, and adorn their new privileges, not only with the highest gifts of piety, but with the special qualities of tact and common sense. The promoters of the change have, cut and dry, their little schedules of clerical aggravation, while we are driven to argue hypothetically, from considerations of human nature, as to the behaviour of those whom this measure would enfranchise. Now, it may be true that certain clergymen have acted unwisely, and in an irritating, indefensible way. I do not defend these men. Among the 15,000 clergymen of the Established Church there must occasionally be found ignorance and bigotry, and an undue disposition to stand upon a personal dignity. They are, as a body, necessarily imperfect, or they would be angels, not men. But can it be shown that the men whom this Bill would let into our churchyards will be a striking contrast to the clergy in moderation, Christian feeling, love of unity and concord, zeal for the common Gospel, and a dislike to sectarian bigotry? It is impossible to believe that such will be the case; and, therefore, we, the opponents, whose business it is to urge the consideration, are forced into the position of having apparently to take the uncharitable side of the argument. What we say further is, that any advantages the Bill might possess will be more than compensated by the long series of quarrels and heartburnings to which it must give rise if the permission now sought for is not much more limited than is proposed by the Bill. I do not stand up for the discretion of the gentlemen from whose letters extracts have been read by the hon. and learned Member (Mr. Osborne Morgan); but I must protest against arguments built up on a series of cuttings from country newspapers. Everybody knows how ignorant and petty country newspapers occasionally are, and how those little paragraphs, headed with the name of some obscure parish, may be provided by some discontented retailer of local gossip. To base such a measure on the tittle-tattle of a country paper is a weak way of propping up any cause. I have heard something of a clergyman on whom the hon. and learned Gentleman commented, and the hon. and learned Gentleman is not doing justice to the Church if he adduces such a man as a fair specimen of its clergy. Granting, however, that the village retailer of gossip has told the truth in all these cases, is it so certain that the gentlemen who under the Bill would officiate in the churchyards would shine by comparison in the laudable discretion with which they would conduct their services? What is the worst the Church of England can do? Force upon persons a form of words which, though beautiful in itself, may not, for the time being, be acceptable to that particular audience. But among bodies of Christians which possess no form of Burial Service, what may a man not do? Under the influence of the most laudable feelings, and guided by enthusiasm rather than discretion, he may, under the form of prayers over the dead, launch out into painful denunciations of the Christianity of living men. A zealous Nonconformist, for example, might convert his service into a solemn offering of thanks that the members of his communion, and in particular the one over whom he was then praying, were not interred with the vain and superstitious form of words of the Church Service; and the second clause of the Bill would not touch such a man, for, in the legal acceptation of the word, there would be nothing indecent in what he said. My hon. and learned Friend has quoted certain cases from the newspapers, and perhaps the House will permit me to quote another story which has appeared uncontradicted in a good many papers last year or the year before. The story has reference to a contested election in a certain county in North Wales, at which there were three candidates, one being a Conservative, and the other two Liberals. In the course of that election a minister of the Gospel, preaching from his pulpit, and carried away, no doubt, by the honest earnestness of his deep political convictions, is reported to have expressed his desire to turn the head of the Conservative candidate into a football. So far as I am aware, that statement has never been contradicted; and I would ask my hon. and learned Friend whether, in the event of the present Bill becoming law, the gentleman who used such language would be likely to carry out a Burial Service within a churchyard—perhaps the very churchyard of the parish where the hon. Baronet resided—in the spirit of Christian conciliation? The question is really this—Granting the disturbed and distempered condition of things, and the religious differences that most unhappily divide us, is or is not the narrow limit of the parish churchyard the place in which free and full scope should be allowed for their display? As to the question of the common law right of all parishioners to interment within the parish churchyard, that is quite another matter. I am glad that both sides recognize it as a fact; and, at the same time, I am free to admit that the promoters of this Bill have a grievance in the obscurity with which the question is still invested in some minds. I would make that clear, and I would further recognize the right of the friends of the deceased to dispense with the Church Service. In this respect I go beyond my hon. and learned Friend the Member for South-West Lancashire, who would make the interment contingent on a certificate that a Christian service had been said elsewhere over the body. I do not think such a condition could be enforced. For we must not forget that in this country, circumstanced as it is, it is merely playing with words to talk of Christian services as the only possible form of ceremonious interment. There are religious persuasions not calling themselves Christians, which have the same civil and political claims to the consideration of Parliament as any form of Christianity possesses. There is the obvious case of the Jews. The Jews are a most respected body of our fellow-citizens; they are men of high position socially, and of great charity and benevolence, and yet the law of their existence is the negation of Christianity; still they must necessarily possess the same privileges in regard to the churchyards as any other body of Nonconformists. I am not aware what the rules of interment may be in the Jewish community; but I wish to point out to the House, if funeral discourses are to be allowed, it is simply absurd to talk of common Christian privileges, when one of the socially most influential bodies of Nonconformists is a body the reason of whose existence is a rejection of the very name of Christian. There is another body of Nonconformists who are also influential and strong, both in this House and in their position in the country—I mean the Unitarians, who hold views on the most vital and cardinal point of Christianity which are widely discrepant, not only from the doctrines of the Church of England, but from those of every other body of Nonconformists. That community must, of course, enjoy the same privileges for interment as any other Nonconformists; and there are, besides, other phases of religious belief, apart from Christianity, of which some are already crystallizing into formal communities. Some of them are forming new schools of religionists, such as the Comptists, the Mormons, and the Spiritualists; for even the Spiritualists are fast consolidating into something like an organized body. It is with repugnance that I enter into these matters; but as we have been challenged to the conflict, it would be cowardly not to go into all the practical bearings of the question. We should have to admit Spiritualists, Mormons, and the so-called "Church of the Future"—the disciples of progressive humanity. Each and every one of these would possess the same claims, as the most orthodox Dissenter or the staunchest Roman Catholic, to speak, and to be heard, and to gather their congregations together in the churchyard, in the face of the Christian majority of the other parishioners, for the preaching of doctrines which might be as repugnant to the general body of Nonconformists as they would be to the members of the Established Church.

The hon. Member for Sunderland has spoken of the refusal of clergymen of the Church of England to read the Burial Service over the bodies of the unbaptized as if it were a grievance, and one which this House was competent to redress. I was very sorry to hear him diverge into that topic, and I must point out that the refusal is a Church grievance—if it be a grievance at all—and the grievance of nobody else. It is not a grievance of which Parliament can take cognizance. I will fairly and freely state that I have no sympathy whatever with those clergymen who refuse to read the Burial Service over the bodies of those who have been baptized by Dissenters. As a matter of ecclesiastical law, those clergymen are, I am convinced, absolutely and entirely in the wrong, for baptism is interpreted by all except a small and narrow school of thinkers to depend not on the ordination of the baptizer, but on the performance of the ceremony itself—namely, in the use of the right words, and in the due application of water. The clergyman who declines to read the Burial Service over a person thus baptized, flies, in my opinion, in the face of the law of his own and of the Universal Church. But having given expression to my strong feeling on that point, I must say that I entirely dissent from the views which have been advanced by the hon. Gentleman opposite. What, I would ask, is the Burial Service? Is it a passport of salvation to the person buried? Of course not. Is it simply a ceremony which is gone through for the comfort and consolation of the survivors? That would be a poor interpretation of that most solemn form of words, of which the true force and import is that it conveys the formal and appointed "good-bye" of the Church to one of her members. Then comes in the commonplace idea which must dominate the question, that the matter is simply one of contract. The Church of England does not pronounce on the state of salvation of those who are not baptized. It does, however, unhesitatingly pronounce one thing. It may be right or wrong in so doing—I think it is quite right—but about the fact, there can be no question. The Church pronounces that, in searching the Scriptures, and in investigating the earliest records of Christianity, it can only discover one appointed method of admission into the visible Christian fold—namely, baptism. A child is admitted into the Christian fold by baptism, just as a man is admitted to the franchise by having his name put upon the register. Among the privileges which attach in the Church of England to that baptism, whether by a clergyman or otherwise, is that of having that very touching form of scriptural prayer which is contained in the Burial Service read over the person when dead. If a person dies, not happening to be baptized, the Church does not go into the unseen region of the eternal condition of the soul, but within the limits of that world in which it has a right to work and act; it says that a defect exists at the very beginning, as it were, whereby the ceremony of the funeral service is estopped. That is the simple state of the case. The grievance is nothing; it may be a misfortune or a loss; it may involve the deprivation of religious privileges to the friends of the deceased; but, rightly considered, it is purely and simply a lapse of contract, and to have it now brought forward as a grievance is a proof of the confusion of ideas which prevails on the subject. In fact, a council of the Church is as little fitted to deal with a Bill concerning the Mercantile Marine as the House of Commons is to deal with a purely theological question like that of baptism. I admit that a grievance does exist to some extent as far as the burial rights of Nonconformists are concerned, and I am willing to assist in curing it within safe limits; but I do not think it would be cured by the provisions of this Bill, which I also oppose on the further ground, that if we once let the Dissenters into the churchyard to celebrate their services there, we should, in the next place, have to let them carry on their services in the very churches themselves. I do not see how the two concessions could long be separated. Church and churchyard have gone together from time immemorial as two elements of the one same property, and if Dissent be admitted to the churchyard, that is but a step towards admitting it to a co-partnership in the church itself. That would be the greatest revolution in the condition of religious life that could possibly occur in this land, and would, indeed, be much greater than the disestablishment of the Church in Ireland. The Church in Ireland lost temporal prestige and influence and large endowments; but it preserved its property in, and its rights over, the churches and the services therein conducted. I was glad to hear my hon. and learned Friend state that he intended to abandon his proposal to keep the churchyards in repair out of the poor rates. This announcement will relieve many apprehensions. Churchmen know very well that if they were to accept the sustentation of the churchyards from the poor rates the Church would altogether lose any freehold right in the churchyard, and God's acre would simply become the vestry's acre, for the yard would be reckoned as national property. I hope the Church of England will never consent to such a bargain; and I learn with great pleasure that the clause which proposes that plan will not be pressed in Committee. My hon. and learned Friend, in making the announcement, challenged the observation which I threw out upon the introduction of the Bill, that this provision would be a revival of the now discarded system of compulsory church rates. If he will look at his own Bill he will see that I had good grounds for my statement. His Bill, as it stands, still recognizes the regulating power of the clergyman; it requires his leave for interments, and it saves his fees. Put the property, in regard to which the rights of the Church are so respected, upon the poor rate, and you revive the church-rate grievance; while the result assuredly will be a fresh agitation, which will end in ousting the clergyman altogether. Foreseeing this danger, I decline the boon—

"Timeo Daneos et dona ferentes."

During the long church-rate fights the question seemed often on the point of being compromised by the concession of a fabric rate, and the abandonment of any claim on the rate for the conduct of the worship; but, happily, the longer-seeing section of Churchmen perceived that in closing with this arrangement they would risk the loss of the buildings, with no compensating advantage, for of course the Dissenters, who agreed to pay the fabric rate, would have a fair right to say—We have consented to ease your burden, and to help you in maintaining the buildings; let us share in the advantage as well as in the outlay, and give us in return the periodical use of the fabrics. So the idea was happily discredited, discarded, and finally abandoned. Forewarned by this, I will not risk the revival through the churchyard rate of the fabric-rate delusion.

It is an undoubted grievance that the right of all parishioners to bury their dead in the parish churchyard is not more freely and fully recognized. I would make that more clear, and give to it the force of a statute. I would not require any certificate of service read over the body elsewhere, for the question of the interment and the question of the religious service said over the body are entirely and absolutely independent of each other. Of course to a Churchman the Burial Service is important, because the Church is, by its nature, more ceremonious than Protestant Dissent. But a Dissenter may have any service which he prefers said over the body at his own place of worship, or in his own house, and then take the body to the churchyard—as, indeed, is often done at present in the case of Churchmen who are buried in cemeteries, and whose bodies are first taken to the parish church to have a portion of the service said over them. In the Roman Catholic Church abroad, I believe, the Burial Service is said in the church, and the body is afterwards interred either with no ceremony at all, or with the more civil and secular ceremony of a funeral oration. I would clear away by enactment any doubt as to the compulsion of the clergy to put all bodies in the churchyard, leaving to each community to provide the religious ceremony, either in the house of the deceased, or in their own place of worship. That practice, as I have just stated, exists in France; and when the remains of deceased persons reach Père la Chaise or Montmartre they are interred there without any ceremony beyond that connected with the funeral oration. Again, not only would I remove by statute any doubt which might prevail as to the compulsion to admit bodies into the churchyards, but I would also give increased facilities for the enlargement of existing burial places, and the creation of fresh ones, with, in each case, the provision that a certain portion should be left unconsecrated, within which each denomination might perform its rites. I would also facilitate the power of any religious body to make its own sectional burial ground. By such means the real grievance in the case might be met; while all those scandalous scenes in the churchyards, which would inevitably result from passing the Bill as it stands, would be avoided.

Mr. M'ARTHUR said, he had hoped, as the Bill was a moderate and a reasonable proposition, that it might have had the approval of hon. Gentlemen opposite, and in the interests of the Church of England itself he regretted the opposition that had been made to it. Experience had shown that since the Irish Burials Bill had been passed a few years ago it had worked well; that it had allayed the jealousies and animosities that had previously existed; and there had been an absence of all that unpleasant feeling with regard to interments that had before prevailed; and he felt persuaded that the passing of the Bill before the House would have an equally beneficial effect. The entire body of Nonconformists throughout the country were in favour of this legislation. It was all very well to say that Dissenters had no grievance to complain of in this matter. Such was not, in reality, the case. He himself knew of a case in which a clergyman of the Established Church refused burial rites to a Nonconformist, and the minister of that persuasion had to perform the ceremony at the churchyard gate. He had also a letter from a gentleman (which he read to the House), stating that his brother had remained without burial for three days, owing to his being refused burial because he had been baptized by a Wesleyan minister. "We would have buried him in the garden," added his informant, "had not the clergyman of a neighbouring parish agreed to perform the rites." There had been also recently a case near Cheltenham where the Burial Service had to be performed at the churchyard gates over the body of a child, in consequence of the vicar of the parish having refused to allow the ceremony of Christian burial to be gone through in the churchyard, on the ground that the child had not been baptized. That certainly was not a spirit to be cultivated either by the Church of England or by hon. Gentlemen opposite. A Congregational minister, commenting upon the fact, stated that it was a strange and discreditable fact, that while drunkards and persons who led disreputable lives could, if they belonged to the Church of England, be buried, Quakers, who did not believe in baptism by water, were refused that ceremony. He hoped this Bill would be passed. All the Nonconformists desired was to be placed upon an equality with their brethren of the Church of England, and he hoped the House would not refuse to comply with their reasonable wishes. He was convinced that if this Bill were passed it would help to promote harmony and good feeling among the various religious denominations in the country.

Mr. COLLINS, as the only member of the Burial Committee of 1862 who at present occupied a seat on that side of the House, wished to offer a few remarks on the question under discussion. He must, in the first place, observe that so long as the law continued to be what it was, it was very unreasonable to complain of clergymen for not breaking it; but then so far as the refusal of a clergyman to bury a Nonconformist who had been baptized was concerned, he must observe that the ignorance of such a man must be extreme; for he ought to know that baptism administered by a layman in the absence of a clergyman was as efficacious as if it had been administered by a person in Holy Orders. The conduct of a clergyman who acted in that way could not therefore, in his opinion, be too strongly censured. As to the Bill before the House, it went a great deal further than the Bill of 1861, which was based on the Irish Bill. The law of England could not, however, be practically made analogous to that which existed in Ireland, where the law did not, in reality, establish the rival services in the same burial ground. There were two great distinctions between the custom in Ireland and the custom in England; and they were that in Ireland, as regards the great majority of Nonconformists, no funeral service was performed at the grave; and even when the funeral service was celebrated at the grave of a Nonconformist, the part of the church assigned for that purpose was generally separated from the other portion where the Episcopalians celebrated their services. He should not object to the second reading of the Bill if he thought there was a reasonable probability of the House coming to some agreement in the matter which would be satisfactory to all parties, for he thought it would be disadvantageous to be discussing a question like the present year after year. Delay would only make the ultimate settlement more difficult. The question, then, was, what ought they to do under the circumstances? The present Bill went further than the Bill of 1861, which gave to the clergyman the power of consenting or not consenting. The Select Committee of 1862 proposed that the Bill should not apply in places where cemeteries were open to Nonconformists; but no provision of that nature was inserted in the present measure. The former Bill limited the initiative to the relatives of the deceased having the conduct of the funeral; but the present Bill gave the power of acting to any person. He should be glad if the Bill were sent to a Select Committee, in the hope that it would emerge from it in a shape that would meet the approbation of both sides of the House; but, as it was, he could not support the second reading, because the hon. Promoter of it had gone much beyond the recommendations of the Select Committee of 1862.

MR. BRUCE had no hesitation in saying that he should vote for the second reading of the Bill. He thought a very clear and palpable grievance had been made out, and it was their duty to strive to find a remedy for it. He had listened very attentively to the speeches of the hon. Member for the University of Cambridge (Mr. Beresford Hope) and for Boston (Mr. Collins), and judging from the general tenor of their remarks, he believed he had a right to ask also their support to the second reading of the Bill. The latter hon. Gentleman, while admitting his readiness to travel a considerable way in the same path as the promoters of this measure, objected to it because, he said, it went further than the Bill of 1862; but, so far as he (Mr. Bruce) could see, his objections were not so serious as to preclude him from reading this Bill a second time. Some of the points to which he took exception were, he thought, fair matters for consideration, and might very easily be dealt with in Committee. The promoters of the Bill had shown themselves, he thought, anxious, so far as was consistent with the main principles of their measure, to meet the wishes of the members of the Church of England. What they had chiefly to consider in this matter was, what was the abstract justice of the case? Members of the Established Church were too liable to consider every demand for mere justice on the part of others to be an attack upon their Church. But they must recollect how the Church stood. The laws of the Church were made at a time when every inhabitant of the kingdom was a member of the established religious persuasion. Partly, however, from the force of circumstances, and partly through the neglect of the Church itself, vast numbers of the population had seceded from the Church. Now, what were the objections to the present Bill? It was admitted on all sides that every parishioner had the right to be buried in the churchyard. But it was stipulated that certain persons should not have the services of the denomination of which they had been members. Now, he asked whether such a stipulation was consistent with the general law of this country, and especially with the spirit of the legislation they had been busy with for some years past? He would ask hon. Gentlemen opposite whether the effect of that legislation had not been to strengthen rather than to weaken the Church—whether the abolition of unfair and unjust privileges had not produced the effect of removing sentiments of hostility on the part of the Dissenters towards the Church—and whether, within the memory of any person now living, the Church of England had stood so high in the respect of the people, and won so much of their sympathy as at the present moment? He (Mr. Bruce), living in a country of Dissenters, was happy to observe the decrease of the spirit of mutual dislike and distrust, between Churchmen and Dissenters, which was so prevalent twenty or thirty years ago; and he was satisfied that the passing of this Bill, or a Bill founded on the same principles, would be a healing measure which, so far from weakening, would strengthen the Church. He saw no reason why they should not look forward to see, as in education so in other matters, a sort of federal union between Protestants, whether belonging to the Church of England or to any of the various Dissenting bodies. Every day was bringing all Christian bodies in the country closer together, and hardly any measure could have a greater effect in that way than the Bill before the House, which would permit the last religious service to be performed in one common churchyard over the bodies of the members of all communions without distinction. Therefore, he could have no hesitation in voting for the second reading. He did not comprehend the objections to it. The funerals of Dissenters were now conducted in public cemeteries with as much order and regard to decency, and with as much deep feeling, as those of members of the Church of England. Why that should be less so if performed within the churchyard attached to the Church he was at a loss to understand. If it was said that under a Bill like the present scenes might occur in a churchyard which would shock all Christian feeling, he would appeal to the examples of the United States and the Colonies, and he asked, did anyone ever hear of such scenes occurring in those countries? Indeed, it might be assumed that even those who did not concur with Christians would yet be actuated by a desire to regard the feelings of those who constituted the majority of the people. An hon. Member had referred to what took place in Ireland to show that religious services might be performed in the manner proposed without the evils anticipated; and it seemed to him to be a reproach to the people of England to suppose that they could not conduct their services in a common churchyard without taking advantage of the opportunity to insult the feelings of those differing from them in opinion. At the same time, he must say it seemed to him that if this Bill was to deal once and for all with the subject, there were various matters to be considered which were not included in the clauses. He knew it was considered by a vast number of the clergymen of the Church of England a great grievance that they were subjected to be called upon to perform the service of the Church over those who were avowedly of a different faith, or over those who had notoriously led scandalous lives. As the Bill now stood they would still be liable to that obligation, for there was nothing in it to deprive any person of the right to call upon the clergyman of the parish to perform a service over the dead. This and similar questions ought to be considered, and he doubted whether they could be adequately dealt with in a Committee of the Whole House. He was anxious, therefore, that after the second reading the Bill should be referred to a Select Committee; and he would appeal to those who were opposed to such a course, whether they ought not to do everything in their power to promote the fullest inquiry into the best method of dealing with a matter which closely and deeply touched members of the Church of England. They were now in the middle of March, and although questions of some delicacy and difficulty might come before the Select Committee, there would be no difficulty in bringing the measure again before the House soon after Easter, and going into Committee upon the Bill. The delay would not obstruct the real progress of the Bill; and he trusted that hon. Gentlemen opposite, having made such large admissions, would not oppose the second reading of the Bill; though they would, of course, reserve to themselves the power to resist its further progress if it should be brought before the House again in a form to which they could not assent. He hoped also that his hon. and learned Friend who had charge of the Bill, and to whose very able and eloquent speech the House had listened with so much pleasure, would show that he was possessed of the quality of moderation and a desire to conciliate, and would meet the wishes of a considerable number of hon. Members on this side of the House. Under any circumstances he should vote cordially for the second reading; but he should do so with infinitely more satisfaction if they could agree, after affirming the principle of the Bill, to refer it to a Select Committee.

MR. GATHORNE HARDY said, that in the few remarks which he wished to make upon the Bill he hoped he should not travel beyond the course which had been taken by every speaker hitherto in what had been a very fair and temperate discussion of the questions at issue. At the same time he could not but call attention for a moment to the facts which had been brought before the House by hon. Members. He regretted that many of them had been brought forward, because they would admit of an explanation different from that which was given to them by the newspaper Press at a time when probably a great deal had occurred to create hostile feeling. In some of the instances which had been quoted, he could at once discern that the clergyman had been acting under a law to which he was bound to give obedience, and that pressure had been put upon him, which he thought as intolerant as the conduct of the clergyman was represented to have been. He concurred with his hon. Friend the Member for Boston (Mr. Collins) that with respect to an unbaptized person, where the clergyman is cognizant of the fact he has no option in the matter. An instance of a very extreme character was given by an hon. Member (Mr. Osborne Morgan) of the separation of twins, where one had been baptized and one had not; but a case had come within his own knowledge which was exactly the reverse, for although only one of the twins had been baptized, they were both put into the coffin, and the clergyman raised no scruple about burying them.. Such matters were frequently open to explanation. He was sorry, therefore, they had been mentioned, because future controversy might arise upon them, and their attention might be called to them by letters in the newspapers or explanations in this House. He (Mr. Hardy) thought it only fair in dealing with this question to say at once that the Bill contained things which were, as he believed, hostile both to the interests of the Church and to the interest of the Dissenters. He did not believe that it was for the interests of Dissenters that the question should be solved exactly in their view, or that there should be power to have any religious service they might think proper within the churchyard. The Bill gave absolute power to any person without reference to his creed, whether Conformist or Nonconformist, to conduct religious services in the churchyard. According to it the relative of a man who had died a Churchman—a constant attendant and a communicant of the Church—might preclude the clergyman from performing the service, and might either perform it himself or bring any other person to do it. That was surely stretching the authority of Parliament too far. There might be services which, though called religious by some persons, would give great offence and trouble to those who were compelled to witness them, and services which the great body of Nonconformists and the great denominations of this country would view with as much abhorrence as he should himself or any other member of the Church; and he did not think it reasonable that they should give liberty to any person, not a minister of a chapel or holding any position of authority, to perform any service he might think proper within the churchyard. But there were in this country, apart from Nonconforming or religious bodies, great social communities. He would refer to one or two, whose names were well known, as examples—though he did not do so in any offensive sense. The great society of Foresters, for instance, or the Odd Fellows, might choose to set up some service of their own, and bring great bodies of people into the churchyard, and go through ceremonies which the clergyman or other persons would regard as mummeries unfit to such a place. They knew that at one time the Socialists took every opportunity, as they might do again, of displaying very peculiar opinions in public, and of showing that they were a *quasi* religious body—which meant that their irreligion had been exalted into a religion. Unless limits were imposed the churchyard might be opened to observances which would have a tendency to provoke a breach of the peace, or, at all events, cause great dissatisfaction to those who lived in the neighbourhood. The right hon. Gentleman opposite (Mr. Bruce) had asked if they could suppose that such things would be done? On looking back to the proceedings of the Committee which sat in 1862 to consider this subject, it was suggested, as a matter of great importance, that some securities should be provided against disturbances. He (Mr. Hardy) was not a Member of the Committee; but he saw that a division was taken on a Resolution providing that the application of a person to perform service in the churchyard should be supported by the certificate of at least one magistrate, to the effect that the applicant was not likely to cause public offence or danger to the peace. Who moved that Amendment? The right hon. Gentleman who was now at the head of the Government: yet he had been appealed to as having spoken words in favour of such a measure as this. The noble Lord the Member for Northampton (Lord Henley) also proposed a proviso that the clergyman might require from the applicant a certificate under the hand of a magistrate residing in the petty sessional division that no breach of the peace was to be apprehended through the performance of the service. So strongly did the present Prime Minister feel upon this question that when that Amendment was negatived he refused to support the clause, and he voted in a minority against it. And the right hon. Gentleman in a subsequent discussion used arguments which showed that he thought there was reason for some apprehension. The right hon. Gentleman (Mr. Bruce) had called upon the House to send the Bill to a Select Committee. For his own part he (Mr. Hardy) was so anxious that anything like a grievance should be considered, that although he could not assent to the principle of the Bill, he would say his "No" very quietly, and would not force a division, sooner than prevent the thing being discussed. But he still felt bound to say "No" to the Bill. The Home Secretary had given them an account of how these affairs had got into their present state. He said that at one time everyone in the country was a member of the Church of England. At all events, they were all so recognized; and so they were now—that was to say, it was assumed that all those who wished to avail themselves of the services of the Church of England had the fullest opportunity of doing so. They had access to her sacraments from the beginning. They might be brought for baptism to the Church, but they must submit to the service of the Church. They could be married in the Church. There was no resisting their application to be married as parishioners; but they must submit to the marriage service. And so also when they brought their dead to be buried. There was no objection to receive their dead; but here again they must submit for the present to the service of the Church. He found to his surprise that many who had been opposed to the Church all their lifetime choose to have the service read over their relatives' graves. It might be that they adopted it sooner than no service, or it might be that there was a superstition in the country that there should be a funeral service of some kind performed over the grave. But why should they force upon the parish churchyards a service different from that which was performed by their national Establishment? That national Establishment was founded upon the principle that it was bound to follow certain rules; and why should those who had withdrawn from it, and gone out from amongst them, seek to come back, but refuse to abide by that principle? The hon. Member for Sunderland (Mr. Candlish) said, and no doubt with great truth, that there was no attempt to attack the churches, and he pointed to what had taken place in Ireland to show that there was a tendency to give possession of the churches, though disestablished, to those who at present possessed them. But when laying down principles they were obliged to be cautious in accepting them, before they saw how far they would go. If they said that everyone had a right, because he was a parishioner, to go into the churchyard and use any service he pleased, upon what principle would they say that he should not bring his child to be baptized or his daughter to be married, and have what service he thought proper in the church? The churchyard, like the church itself, was consecrated to certain uses, and he did not think that the rule should be broken because in other countries something similar had been done, though on a different footing. They forgot that for 300 years the clergy in this Establishment and the laity had looked upon the churchyard as devoted to this specific religious service, no other service had ever been used in it; and, therefore, when the Nonconformist bodies were pressing forward claims, they were bound to look that they were not acting intolerantly towards persons who — though in their opinion not so enlightened—had the same feelings as themselves. But further, he would call attention to the fact that there was hardly any churchyard in England that had not been added to by the private benefactions of members of the Church of England. Their donations were, he frankly admitted, intended for the benefit of the parishioners; but on the understanding that they took the religion and faith which was national. The name of the hon. Member for Sunderland was on the back of the Bill last year, and in one of the clauses those churchyards which had been recently given or which were attached to new churches were excepted as being in a position very different from that of the old churchyards. But it was only in the recent additions by private members of the Church to the old churchyards that they would find room for their dead. But he wanted to know why the Nonconformists should wish for admission to them? To their chapels almost all over the country they had added graveyards; and they had done wisely, because he believed there were few things which attached people so much to the denomination to which they belonged, as the fact that their dead rested under the shadow of the building where they worshipped. He believed such considerations affected not only Church people but Dissenters; and therefore it was that he asked why they should wish to introduce into the churchyards immediately around the churches observances different from those which had been celebrated there before? He did not dispute that the Nonconformists, as they paid to the rates, were entitled to have places for the burial of their dead. He, and many who thought with him, would be perfectly prepared to do all in their power to assist them in obtaining sites for graveyards where they could carry out their religious services without interfering with the consciences of others, or of being deprived of any privileges to which they were entitled. This Bill had been so fully discussed that he did not like to detain the House longer upon the subject; but he did trust the House would not, because there might be a grievance, rush to a conclusion which would have the effect of raising further animosity. He believed that the Dissenting bodies would do wisely in standing steadfastly by their own opinions, and by their own religious services. That they were different from ours was cause of great regret, and they wished to see them back again in the Church of England. They had gone from that Church, but they would gladly hail them as Churchmen. If, however, they stood steadfastly by their own religious opinions and their own religious rites, he believed it was in the interests of charity and of true religion that, as they had built themselves chapels, which in many cases had graveyards attached to them, they should act upon a fair and just understanding, and not seek to insist upon a principle which trespassed upon the convictions and consciences of others.

MR. HIBBERT said, he had listened with great pleasure to the moderate speeches which had been made on both sides of the House with respect to this Bill. The grievance was admitted, and but a small portion of the Bill was disputed—whether Dissenters and those who did not belong to the Church of England should be allowed to hold a religious service in the parish churchyard. The practice at the different cemeteries throughout the country showed that the religious bodies who did not belong to the Church of England were not likely to introduce any objectionable service. If Dissenters were not allowed to have their service in the churchyard, but were compelled to have it in their chapels before the burial, a strong prejudice would be created against the Established Church; whereas, if the Bill came into operation, he could see nothing but the most friendly feeling likely to spring up between Churchmen and Dissenters. But there were points in the Bill which required great consideration, and he hoped it would be sent to a Select Committee. With reference to the 4th clause, he thought that when notice was given of a funeral the name should be mentioned of the person who was to take part in the religious service, otherwise complications might arise in the churchyard which it was most desirable to prevent. There should also be some provision against the carrying of religious emblems, or anything of that nature, into the churchyard.

Mr. WALTER said, the question before the House appeared to have been reduced to a very narrow issue, and, as he conceived, there were no difficulties connected with it which could not be fairly dealt with by the Select Committee. The Home Secretary, in his speech, appeared to raise a far more difficult and delicate question for consideration than anything contained within the four corners of the Bill. The question which the right hon. Gentleman had thrown before the House was—whether or not, and, if at all, to what extent it was desirable to limit by law the obligation at present existing on the part of clergymen to read the funeral service. It was felt by many clergymen as a great grievance under certain circumstances. He was not prepared to say if he was a clergyman that he should not feel it a difficult and anxious duty to perform. It was proposed by some to alter the very language of the service. But however that question was to be settled, if it were settled at all, he was sure the House would agree with him that it would add very considerably to the responsibility of the Committee to which the Bill was referred. They were all agreed that there was a grievance, and that Dissenters had a right to be buried in the parish churchyard. The only question really before the House was whether they should be permitted to enjoy the right of performing in the churchyard some kind of service over the remains of their deceased friends. He must say it appeared to him that, having gone so far, it was difficult to refrain from acceding to the one remaining point. He would put before the House this case, which had not been referred to by any previous speaker—a case which must be considered by the Committee, and which might create some difficulty. There appeared to be some confusion in the minds of hon. Members, and probably of the ministers of some denominations, between being buried in consecrated ground and being buried with religious service. Now, he apprehended it would be necessary altogether to separate the two elements of the question, which could only be solved by treating burials both in a civil and religious aspect—keeping the civil and religious features of them quite distinct in the eye of the law; and while investing our churchyards more with the character of cemeteries, to leave it to the ministers of different denominations to decide as to the character of the religious service to be performed within the grounds. He wished the House to consider the question, not only with reference to the rule of burial on land, but also the rule of burial at sea. He had no doubt some hon. and gallant Members present could give them useful information as to the practice of funerals at sea. He apprehended that in the case of a captain of a ship being a Nonconformist he could hardly be compelled to read the Burial Service of the Church of England over a member of his own communion dying at sea; and he took it for granted that the captain of a man-of-war or a merchant ship would permit the friends of any Dissenter dying at sea to use the particular form of service agreeable to their own creed. But when they spoke of consecrated ground—an important ingredient in this question—they should remember at least that there was no consecration of the sea. That vast element had not been made the subject of episcopal benediction; and yet the friends of those dying at sea did not the less feel that their burial was duly performed, notwithstanding any want of the consecration of that element. He would not further occupy the time of the House; but he thought these questions could all very well come before the Select Committee.

Mr. CAWLEY said, that he was surprised to hear the reference to recent legislation made by the right hon. Gentleman the Home Secretary, as the course of recent legislation had been in direct contravention of the principle contained in the 4th clause of this Bill. Allusion had been made to cemeteries; but separation occurred there. There was consecrated and unconsecrated ground. No such thing as a religious ceremony was performed in the consecrated portion of the ground by any but the clergy of the Church of England. If, therefore, Dissenters were allowed to conduct a religious service in the parish churchyard a marked difference would be made, regard being had to the practice which prevailed in the public cemeteries. He was most desirous of removing any real grievance, and therefore he should be glad to see an extension of the cemetery system in all parishes. In the borough he represented the cemetery had been divided into three portions—one portion consecrated for persons belonging to the Church of England, another unconsecrated for Nonconformists, and a third for Roman Catholics. As the Bill stood, its principle was to admit others than the clergy of the Church of England to perform Burial Service in the parish churchyard, without any restriction as to what that service might be, and therefore he should give his vote against the second reading. If it were a mere question of permitting the interment of Dissenters in parish churchyards, he should be glad to go to a Select Committee to get rid of that difficulty.

SIR GEORGE GREY hoped his hon. and learned Friend (Mr. Osborne Morgan) would give his assent to refer the Bill to a Select Committee. He was quite sure, after the discussion which had taken place, and the desire which had been expressed to remedy the admitted grievance, that there were difficulties both of principle and detail involved in clauses of the Bill which made it desirable that it should undergo a very careful consideration and inquiry before a Select Committee. If the Bill were now read a second time with the view of going into Committee of the Whole House, his hon. and learned Friend would find himself involved in difficulties which might end in defeating the Bill; and he might avoid that result by consenting to refer it to a Select Committee. On that understanding he should certainly give his vote for the second reading; but he could not vote for it except on the distinct understanding that the Bill should go to a Select Committee.

MR. NEWDEGATE said, he would warn the House against affirming such a dangerously wide principle as that involved in this Bill, which appeared to him to amount to a declaration that the members of the Church of England had no denominational rights—if he could properly use the word denominational here. No Church could be recognized except by its services. The performance of the Burial Service of the Church of England in the churchyard was the practical recognition of the rights of the Church of England to that which was its own property. The tolerance of the Church of England, which was admitted in every country except our own, extended to this—any family might bury their dead within the precincts of the churchyard, provided only that the service of the Church of England should be performed. That was her title to the property. This Bill would deprive the Church of England of a right which they recognized in every other denomination. If they went to the Nonconformists or Roman Catholics and claimed to bury their dead in their cemeteries, performing the Burial Service of the Church of England, they would be immediately repulsed. He should give his vote against the second reading of the Bill, because he claimed for his own denomination equal rights in their peculiar property as those which were enjoyed by all other denominations.

MR. OSBORNE MORGAN, in reply, said, he had been urged to refer this Bill to a Select Committee. When he took into consideration that a Bill of this kind had been referred to a Select Committee without any special result, he thought that might only be a decent way of shelving the Bill altogether, and he must ask to be allowed not to pledge himself to that course. He was charged with bringing forward a Bill considerably in advance of that which had been introduced by Sir Morton Peto in 1861. No doubt there was a great difference between the two Bills; but the nation itself had gone a great deal in advance with reference to questions of this kind. This Bill was certainly in advance of that which was brought forward in 1861; but if they threw out this Bill, hon. Members might rest assured that a Bill very much in advance of it would be brought forward. If on the one side of the House they cried "No surrender!" on his side of the House the cry should be "No quarter!"

SIR STAFFORD NORTHCOTE thought it very important that they should exactly know in what position they were now placed. The Bill was objected to on several grounds. His hon. Friend the Member for South-west Lancashire (Mr. Cross) had moved its rejection. In the course of the discussion the Home Secretary took notice that the grievance of the Dissenters had been acknowledged by Gentlemen who opposed the Bill, and suggested that, under the circumstances, the proper course would be to allow the Bill to be read a second time and then be carefully considered by a Select Committee, and the right hon. Gentleman gave reasons for that course. His right hon. Friend the Member for Oxford University (Mr. G. Hardy) immediately said, speaking for those who sat near him, that supposing that course was to be adopted, he should not call for a division against the second reading; and it was understood that the hon. and learned Gentleman who had charge of the Bill was going to express his assent to the proposition for a Select Committee. It was most desirable that if they were misinformed on this point the matter should be made clear. Many Members had gone away on the understanding that the Bill would be referred to a Select Committee. Did the hon. and learned Gentleman intend to oppose the reference of the Bill to a Select Committee?

Mr. OSBORNE MORGAN said, he should divide against the Bill being referred to a Select Committee.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 233; Noes 122: Majority 111.

Mr. ASSHETON CROSS said, he had been anxious to explain, before the division, had the forms of the House allowed, that he should not have opposed the second reading had the hon. and learned Member, who was charged with the Bill, consented to the very reasonable proposition made by the Home Secretary. He now trusted that the right hon. Gentleman would give effect to his own recommendation, by causing the Bill to be considered, where it could best be considered, in Committee upstairs. He was quite sure that those who were interested in the removal of any real grievances would further the object which they had in view by assenting to that course.

Main Question put, and *agreed to.*

Bill read a second time.

Mr. OSBORNE MORGAN moved that the Bill be committed on the 18th of May.

Sir Stafford Northcote

Motion made, and Question proposed, "That the Bill be committed for Wednesday the 18th day of May next."—(*Mr. Osborne Morgan.*)

Mr. BRUCE said, he now rose to move that the Bill be referred to a Select Committee. ["No, no!"] He would assure his hon. Friends that he was satisfied the course he was now recommending was one that could not fail to promote the object they had in view, and would certainly not diminish the chances of the Bill being accepted in the other House. Every speech that had been made after he had offered that suggestion convinced him more and more that the question would be better treated in a Select Committee than it could be in that House. Accordingly, he hoped his hon. and learned Friend would not put the House to the trouble of dividing, but would withdraw his opposition, as he felt bound by the recommendation which he had given, and was satisfied that there was both wisdom and prudence in persevering in that course.

Amendment proposed, to leave out the words "for Wednesday the 18th day of May next," in order to add the words "to a Select Committee,"—(*Mr. Secretary Bruce,*)—instead thereof.

Mr. MIALL said, that he should be extremely sorry that the House should go to a division upon an unreasonable point; but he thought that if the Select Committee were to be appointed simply to arrange the machinery for carrying out the principle, that matter might as well be discussed in Committee of the Whole House. If, however, the Select Committee were to consider the large question touched upon by the Home Secretary, the little boat which was now launched would be probably swamped by so great a matter being introduced into it. Unless it was understood that no new question should be imported, he should vote against the Motion for a Select Committee.

Mr. WALPOLE said, that he should not have voted against the second reading if the Select Committee had been agreed to, because he was very anxious that the question should be effectually settled. He agreed that they could hardly hope to dispose of the larger question that had been referred to, and that that Select Committee should be confined to the subject of the Bill.

Mr. PEASE said, that as the House, by so large a majority, had supported the principle of the Bill, he hoped the right hon. Gentleman in selecting the Members of his Committee would take care that the supporters of the Bill were represented in a corresponding proportion upon the Committee.

Mr. OSBORNE MORGAN regretted exceedingly that, for the reasons he had already stated, he could not accede to the Amendment proposed by the right hon. Gentleman.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 135; Noes 226: Majority 91.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *committed* to a Select Committee.

And, on March 25, Committee *nominated* as follows:—Mr. Secretary Bruce, Mr. Osborne Morgan, Mr. Mowbray, Mr. Miall, Mr. John Talbot, Mr. Richard, Mr. Beresford Hope, Mr. Stone, Mr. Collins, Mr. Cross, Mr. Hardcastle, Earl Percy, Sir John Simeon, Mr. Cubitt, and Mr. Morley:—Five to be the quorum.

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, 24th March, 1870.

MINUTES.]—Public Bills—*First Reading*—Mutiny *; Marine Mutiny *; Inverness County, &c. (Boundary) * (48).

Report—Coinage (45).

Third Reading—(£9,564,191 7*s.* 2*d.*) Consolidated Fund *, and *passed*.

COINAGE BILL—(No. 45.)

(*The Marquess of Lansdowne.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

The Marquess of LANSDOWNE, in moving that the Report of the Amendments be received, said, he would take the opportuntiy of replying to two questions which had been put to him on a previous evening by the noble Lord (Lord Kinnaird). One was whether the Government were prepared to place some restrictions as to the quality of the gold received at the Mint, so as to prevent the use of such metal as was deteriorated by the presence of arsenic or antimony, which rendered it brittle, and made the coinage a losing operation? The objection to such restrictions was that the goodness of the gold did not declare itself until a late stage in the process of coining. The second Question asked was, whether the Government would appoint an official to take charge of the trial of the pyx? Hitherto the Goldsmiths' Company had performed that duty in such a manner as to prevent any complaint, and it would be now an ungracious act on the part of Government to appoint any other party to superintend it.

Lord KINNAIRD said, he did not think, whatever respect was due to the Goldsmiths' Company, that the duty should be intrusted to persons not one of whom might know anything of assaying. He would not, however, press his proposal. With reference to the presence of antimony and other substances, he might explain that bullion of the proper fineness consisted of 22 parts of gold and 2 parts of alloy, which ought to be copper; but if the alloy contained lead, antimony, tin, or arsenic, the gold became brittle. Might not the Mint ascertain this before accepting it? He thought the assayers employed there ought, from their experience, to be able to detect foreign metals before the gold was subjected to the melting process. At all events, the power of rejecting it could do no harm. The noble Marquess (the Marquess of Lansdowne) stated on Tuesday night that there was a considerable profit on silver, which no doubt ought to be the case; but the Returns, obtained by an hon. Member in the House of Commons, showed that though in some years there was a gain, in nine years the total loss on the coinage of silver was £5,373. Bad workmanship, he might remark, made the coins much less durable, and therefore caused expense by rendering earlier repair of the coinage necessary. He hoped that later in the Session the Government would concede an inquiry into the management of the Mint, when he would undertake to prove his allegations of mismanagement and peculation, and, indeed, the Returns proved this. He admitted that the present Deputy Master of the Mint was a most clever man at official work or finance; but he was a man liable to be deceived, for he was grossly deceived by the late Master of the Mint, and he believed that dust was still thrown in his eyes by certain parties—not gold dust, for this went into their pockets.

THE MARQUESS OF LANSDOWNE thought that the noble Lord confounded two things. There was a loss incurred by the public in keeping the silver coinage up to its proper standard; but in its manufacture into coin there was a considerable gain, amounting to something like £20,000 a year. He asked, however, whether it was fair or right for the noble Lord to make those strong animadversions on the late Master of the Mint, whose scientific acquirements were universally acknowledged, and whose integrity was above suspicion.

Further Amendments made; and Bill to be read 3ª *To-morrow.*

HABITUAL CRIMINALS ACT.

QUESTION.

THE EARL OF CARNARVON inquired of Her Majesty's Government, Whether they intend to bring in, during the course of the present Session, an amending Bill to the Habitual Criminals Act of last year? He wished to have some explanation of the progess that had been made in its administration, for as it had passed through Parliament, it had not been improved. A variety of clauses in the Act were so altered, mainly in the House of Commons, as to make the Act quite impracticable in parts. He would point out some of these clauses. The last clause but one — the 16th— enacted that the provisions of the Industrial Schools Act of 1861 should apply to all children under this Act; but, it appeared that the Act of 1861 had been repealed, and that the only Industrial Schools Act in existence was one of 1866, and therefore the section was nugatory. In Clause 14, there was a very similar defect. That clause provides that certain forms set forth in the second Schedule should be used in all such matters as such forms referred to; but, if the Schedule was referred to, it would be found that the forms were contained not in the second, but in the third Schedule, and therefore this clause also was inoperative. Again, Clause 11 contained provisions in reference to receivers of stolen goods, to the effect that where any person who should have been convicted of previous offences involving fraud or dishonesty was found in possession of stolen property, the burden of proof should be cast upon him. As the Bill left their Lordships' House, the clause provided that the prisoner should be deemed to have known that such goods were stolen, unless he should prove to the contrary, and that seven days' notice should be given him to enable him to do so. These last words were originally contained in the enacting part of the clause; but in the House of Commons, they were omitted from the enacting part of the clause, whilst the words he had previously referred to were left in the form of notice which was to be given to the prisoner. The consequence was that, when the clause was brought under the notice of Mr. Justice Keating, he held that it was inoperative, being contained simply in the notice. Now, surely it was the duty of the Government to have taken care that the clause was so worded as to be workable. In the last paragraph of the 8th clause, though there was not an actual fault, the words were, at all events, so loosely put together that the meaning was very ambiguous. It was provided that the convict who had been sentenced to penal servitude should not, during the time that he was at large under any licence, be deemed, for the purpose of this section, to be undergoing his punishment. This seemed to have been drawn in the circumlocution office, and it was very difficult to assign any distinct meaning to it. What he understood it to mean was this —that the time that the convict should be at large should not be reckoned in the time for which he was sentenced to penal servitude; but if so, it was very circuitously expressed. As to the provision in the 11th clause that seven days' notice should be given to a prisoner who was charged with receiving stolen goods, that proof was intended to be given of previous convictions against him: now, the practice was this—Almost all these prosecutions were conducted by the clerks of the divisional benches, and, as a rule, the briefs to counsel were not handed in until the day before the trial; and the result was that, even if the provision had been in the enacting part of the statute, it would still remain inoperative in consequence of the practice in delivering briefs. These were some of the defects to which he wished to draw attention, so that they might be dealt with in any amending Act; but he would also ask what was the progress made in establishing the machinery proposed to be set up by this statute. He was afraid, from all he could see, that there were some local difficulties which stood in the way. There were difficulties in the counties from the variety of jurisdictions contained in them; there was also want of concert between the chief authorities of the different counties, though it was obvious that communication and co-operation between them was essential to the efficient working of the legislative system, independently of the fact that internal arrangements in some counties were sometimes an obstacle, for the police had their beats changed as often as once a month, and therefore they had not time to become acquainted with suspected persons. The whole scope of the Act was contained in the clauses which provided machinery for the identification of offenders who had been previously convicted; and yet he feared that as yet there had been no concert, communication, or common system to make the records of one county available in another. He would suggest whether it would not be desirable to photograph prisoners who were suspected of being habitual criminals, in their own dress, before trial and before their hair had been cut. The usual practice was to photograph the prisoners in their prison dress and after their hair had been cut, so that in nine cases out of ten the photographs were almost useless. On these points the county authorities would naturally look for assistance to the Central Registration Office in London, but from what he had heard, he was afraid that department had not yet been thoroughly organized. There were powers in the Act which enabled the Government to place this office under the control of a person who should not be the Commissioner of the Metropolitan Police; but it had, in fact, been put under the control of the Commissioner, who, being engrossed with the subject of the cabs of London, had not probably been able to devote much attention to it. In the 6th clause there was a provision that certain Returns should be made to the Registration Office, and he should be glad to know whether they had been made, or whether they were forthcoming; for upon them the whole registration was based, and until they were made the Act would remain very much a dead letter. In the 4th section there was a paragraph that a certain section was repealed, meaning that which said that the holder of a ticket-of-leave should not be called on to report himself monthly to the police; and he should like to know what substitute had been provided so as to insure supervision. The 8th clause said that a person who had been twice convicted of felony should be subject to supervision, and certain grave disabilities were imposed upon such persons by that clause. He supposed that some steps had been taken that the convicts should be informed on their discharge what these disabilities were; for it seemed to him only fair and reasonable that this should be done, so that they might know exactly what was expected of them and of the penalties for disobedience. He much preferred the Bill as originally drawn, to the shape in which it came back from the House of Commons; and he particularly regretted the omission of the compulsory penalty of seven years' penal servitude upon the third conviction for felony—not that he laid any special stress upon the third conviction, but because he maintained that after a certain number of offences mercy to the criminal and the interests of society alike required that the term of punishment should be considerably extended. A succession of short sentences were neither reforming nor deterrent, and were very detrimental to society. It might appear objectionable to fetter the discretion of Judges as much with regard to the minimum as to the maximum punishment; but he believed the majority of them would welcome some limit, if it were not so rigorous as to allow of relaxation in exceptional cases. It might, for example, be provided that after a certain number of convictions a certain punishment should be imposed, unless the Judge recorded, in some way, his reasons for mitigating it, or at least the fact that he had mitigated it. The Habitual Criminals' Act was of so much importance to the country that he had felt it his duty to point out the errors that had crept into it, and he hoped that the Government would think it their duty to remedy them at the earliest date.

THE EARL OF ALBEMARLE said, he hoped that as he had himself placed a

Notice on the Paper in reference to this subject, he might be permitted to offer a few remarks. The suggestions that occurred to him had arisen out of a case which had been brought before the Bench of magistrates of which he was the chairman. The information charged a publican with knowingly permitting thieves or reputed thieves to assemble in his house. There was a moral conviction on the part of the Bench that these men were reputed thieves, because the policeman that had laid the information and procured the conviction was in court; because the Bench had themselves convicted these men of theft, they had the register of this conviction in court, and lying before them, and the inspector of police was present and ready to give evidence. The solicitor for the defence, however, said what is your legal proof of conviction? He (the Earl of Albemarle) looked into the Act, and there was no provision on the point. The solicitor said that legal proof was necessary; that this was a new and stringent law, and that legal proof must be produced. The magistrates were very much of opinion that legal proof was necessary—but perhaps they were wrong, for he was no lawyer. Would any noble and learned Lord inform him whether legal proof of conviction was necessary under the Act? and if it were necessary he would suggest that a clause should be inserted into any amending Act defining what evidence should be necessary to constitute legal proof of conviction. He was very unwilling at any time to trespass upon the attention of the House, and most of all on questions upon which he might say that he was profoundly ignorant. He was a justice of the peace, and therefore almost necessarily ignorant of the precepts of the law. He went into the library to see if he could settle the question for himself, but he could find nothing satisfactory. At last he recollected that a great legal authority formerly in that House, Lord Campbell, said that Shakespeare was a lawyer; so that he (the Earl of Albemarle) thought he could perhaps find a solution in *Shakespeare*, and he found this in Dogberry's instructions to his watchmen—

> "If you meet a thief you may suspect him, by virtue of your office, to be no true man: and for such kind of men the less you meddle or make with them why the more is for your honesty."

Now, unless they had some definition of what a reputed thief was the magistrates could not "meddle or make with him;" it might be better for their "honesty" that they should not meddle with reputed thieves, but the ends of justice would not be satisfied in this way. If the Bench had been trying the case under the Ale-house Act, 9 *Geo.* IV. c. 61, the defendant would have been asked to produce his licence; but the solicitor for the defence said that they could not ask him to do anything of the kind under the Habitual Criminals' Act. He should be glad to see all the Acts relating to public-houses superseded by one comprehensive measure so framed as to go on all fours with the Habitual Criminals Act.

THE EARL OF KIMBERLEY said, it was the intention of the Government to bring in a Bill to amend the Habitual Criminals Act, this being necessary, apart from the defects pointed out by the noble Earl, in order to make more explicit provisions as to its working in Scotland, to which it was extended by the other House. These provisions were not so clear as was desirable, and an amending Bill would be brought in in order to render them more clear. On reading the Act carefully, after the noble Earl's Notice of his Question, he discovered several of the defects to which he had called attention—which, it was only fair to this House to say, were attributable to the Amendments made in the other House of Parliament; and, having had charge of the Bill here, he was willing to admit that he was open to a certain amount of censure for not having taken care that these defects were remedied. Some of the Commons' Amendments were improvements in their intention, but were not so fully carried out in subsequent clauses as to make the Bill intelligent and consistent. In the amending Bill these faults would be rectified, and the opportunity would be made available for rendering the Act as efficient as possible. It had produced, he was glad to assure the noble Earl, much good, and was found on the whole to work extremely well. In the metropolis several well-known haunts of thieves had been broken up, and the criminal population placed under much greater restraint. This too, he was informed, was the case in several of the large towns. As regarded supervision, no experience could yet have been obtained of the working of the system, for the criminals sentenced since the passing of the Act had not in general at present been discharged. The noble Earl (the Earl of Carnarvon) had scarcely done justice to the Chief Commissioner of the Metropolitan Police. He (the Earl of Kimberley) had himself been in communication with that officer; for however arduous his other duties might be he had by no means neglected the duty that had been entrusted to him in regard to the supervision of criminals; and a subordinate had been appointed, whose sole duty it would be to carry the registration into effect. 9,609 Returns had been received from the police as to the conviction of criminals, and a large number from governors of gaols. These had been carefully entered in such a form as to be available for use throughout the country when the opportunity arose. The photographic part of the arrangement, which was very important, had not yet been carried out, since it rested partly with the local authorities, and some little time must elapse before any new system could be put in operation; but a circular had been sent to all the gaols requesting that apparatus might be provided for taking photographs. The Chief Commissioner had also communicated with the police authorities on the best means of effecting the speedy dissemination of registration intelligence throughout the country, so as to insure the detection of persons subject to penalties on account of previous convictions. The Commissioner was fully alive to the great advantages offered by the new system, and no pains would be spared to make the machinery efficient. He was not able to give an immediate answer as to the substitute for the obligation of ticket-of-leave men to report themselves personally to the police, not having been aware that the noble Earl would desire information on the subject; he would, however, obtain the necessary information. With reference to the remarks of the noble Earl behind him (the Earl of Albemarle), no prudent man would venture on a precise interpretation of the words of an Act of Parliament, and it would be even more imprudent to say what evidence would be sufficient to convict a supposed criminal. His difficulty in answering a hypothetical question was, moreover, the greater since he was unluckily comprised in the very honourable class of justices of the peace, and was, therefore, according to his noble Friend, unacquainted with the precepts and practice of the law. There was a definition of theft in *Shakespeare* which was at his noble Friend's service if of any advantage to him, for Falstaff, objecting to the word "steal," said, "Convey, the wise it call." Seriously, however, he believed the words in question were adopted from previous Acts, and he apprehended no practical difficulty in carrying out the law if the evidence was sufficient for the purpose.

LORD CHELMSFORD believed it was Ancient Pistol, and not Falstaff, who said, "Convey, the wise it call—Steal! foh! a fico for the phrase."

THE EARL OF AIRLIE said, that he had in that House recommended the extension of the Act to Scotland, but without success, though subsequently in the other House it was adopted. It had, however, been at present inoperative, and he was glad to hear an amending Bill was to be introduced; for if the law was stringent in one part of the country and lax in another, there would probably be a migration of the criminal population from the former to the latter. There was one class of offences, indeed, in which something of the kind had already occurred, for recent decisions against betting agents had given a great blow to these persons in England, and many of them had betaken themselves to Scotland, where there was either no law which would deal with them, or one wholly inoperative, and where they carried on their operations with impunity. He had taken that opportunity of calling the attention of the Government to the subject, and, although he did not expect to elicit any statement from them at that time, he trusted that they would take the matter into consideration.

LORD COLONSAY said, there could be no objection to extend any new Act which might be passed dealing with habitual criminals to Scotland, provided its clauses were so drawn as to harmonize with the existing laws and institutions of that country. Unless that was properly attended to, we might expect a repetition of the failure he had predicted when clauses as to Scotland were introduced into the present Act at a late stage of its progress. Upon the question whether or not Shakespeare was a lawyer, he was aware that Lord Campbell had written a book discussing the question whether the great dramatist had been bred in an attorney's office, but not deciding the point; and when he had asked him what his private opinion upon the matter was, the noble Lord had declined to commit himself to an opinion one way or the other.

Lord REDESDALE thought that a sufficient explanation of the imperfections of the Habitual Criminals Act was that it only came up in its amended form to that House from the Commons on the 7th of August, that it was not printed in that form until the 9th, on which day the Amendments were agreed to by a single vote, on the assurance of the noble Lord in charge of the Bill that they were all right, in order that it might receive the Royal Assent on the 11th of August—the day Parliament was prorogued.

House adjourned at a quarter past Six o'clock, till To-morrow, half past Ten o'clock,

HOUSE OF COMMONS,

Thursday, 24th March, 1870.

MINUTES.]—Public Bills—*Second Reading*—Drainage and Improvement of Lands (Ireland) Supplemental * [83]; Customs (Isle of Man)* [84]; Churchwardens Eligibility * [87].
Committee — Peace Preservation (Ireland) [75] —R.P.

ARMY—"MILITARY MISMANAGEMENT" —THE 51st REGIMENT.—QUESTION.

Colonel STUART KNOX said, he would beg to ask the Secretary of State for War, Whether his attention has been called to a Letter in the "The Times" of the 21st instant, headed "Military Mismanagement," in which it is stated that "The 51st Regiment embarked on the 2nd instant at Portland for Cork in H. M. ship 'Orontes;' that although they were entitled by the Regulations to convey baggage to the measurement of some 4,000 cubic feet, the Captain of the 'Orontes,' after some 2,076 cubic feet of said baggage was put on board, refused to take more, alleging that his baggage room was full; that the baggage thus left behind belonged principally to the married men, and that no less than forty unfortunate women and sixty-five children have been existing for a fortnight or more with only the clothes they had on when they came on board;" whether he considers the conduct of the Naval authority can he justified; and, if so, under what Military superintendence the regiment embarked, and why the authorities at the Horse Guards took no steps to forward the baggage, but allowed it to remain at least fourteen days at the place of embarkation; and, whether directions will be given to inquire into the loss and expense to which the Officers and Men have been subjected, with a view to granting them reasonable compensation?

Mr. CARDWELL: Sir, I have made inquiry into this occurrence, both at the Quartermaster General's Office and also at the Admiralty. Though there is some difference between the two Reports as to the quantity of baggage, yet both agree in reporting that the 51st Regiment sent much more than their regulated allowance, and that without notice. They omitted to make any proper division, so as to insure that the portion allowed by regulation should first be put on board. The baggage having, under these circumstances, been left behind, it was necessary to communicate with the regiment as to the mode in which they would prefer having it sent, as over-regulation baggage, to be sent at the expense of the regiment. There will be further inquiry as to the points on which the two Departments differ; but, as at present advised, I am not justified in throwing blame on the officers of the *Orontes*.

Colonel STUART KNOX said, he also wished to know whether the right hon. Gentleman would cause an inquiry into the subject to be instituted at Waterford, the head-quarters of the regiment, which in his opinion has not been treated fairly?

Mr. CARDWELL: All I can say is, that inquiry will be made as to the points in dispute between the two Departments. I know nothing as to what may be fair to the regiment.

TURNPIKE ROADS.—QUESTION.

Lord GEORGE CAVENDISH said, he would beg to ask the Secretary of State for the Home Department, Whether he intends to bring in a Bill this Session relating to Turnpike Roads in

England and Wales; and, if not, what he proposes to do in reference to the Trusts named in the Fourth and Fifth Schedules of the Turnpike Act Continuance Bill of 1869?

Mr. BRUCE: Sir, it is not my intention to bring in a Bill this Session relating to turnpike roads in England and Wales. The trusts referred to in the second part of the Question of the noble Lord would expire in the course of the present year; but, with reference to them, it is the intention of the Home Office to adopt the recommendation of the Committee which sat last year, wherever that recommendation has been precise. The Department has been in communication with the trustees of the various trusts, some of which will be allowed to expire this year, while others will, under exceptional circumstances, be continued.

NAVY—RETIREMENT.—QUESTION.

Mr. HANBURY TRACY said, he would beg to ask the First Lord of the Admiralty, Whether, in framing his scheme of Retirement, he has taken into consideration the case of the Reserved Commanders M N, who appear to have been reserved under the same conditions and by the same Order in Council as the Reserved Captains F G; and if he will state what difference exists between the two classes?

Mr. CHILDERS: In reply, Sir, to my hon. Friend, I have to say that in framing the plan of retirement we carefully considered the case of the M N reserved commanders, with the other lists of reserved or retired officers. But there is no analogy between their case and that of the reserved F G captains. Captains on the active list were all entitled to become admirals or retired admirals by seniority, and the F G captains claimed this equally under the words of the Order in Council. No ommander has any right to be promoted to captain's rank, all such promotions being by selection.

LIGHTHOUSES.—QUESTION.

Mr. HEADLAM said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is the intention of the Government to make any change in the authorities which manage the Lighthouses of the kingdom, or in the form of taxation by which the funds for their maintenance are now raised?

The CHANCELLOR of the EXCHEQUER, in reply, said, he had not changed the opinion he had expressed last year, that the present mode of raising the taxes for the support of lighthouses was better than imposing the charge on the general revenue of the country; for, though collected from shipping, they were really paid by the consumers. There was this advantage in the present mode of collection—that it was a test of the sincerity of those who applied for the erection of new lights; because the first question that was asked them was, whether they were ready to pay the tolls for the new lights. If that safeguard was removed, there would be great danger that Parliamentary influence might be brought to bear for the erection of comparatively useless lights.

CANADA—SIR ALEXANDER GALT.

QUESTION.

Mr. WHALLEY said, he wished to ask the Under Secretary of State for the Colonies, with reference to the Correspondence between Sir Alexander Galt and the Government which he declines to produce, Whether there are any expressions therein that justified Sir Alexander Galt in his letter to the Prime Minister of Canada in "stating his belief that the policy of independence had been arrived at by the Imperial Government," or in his speech to the Parliament of Canada, stating that "he was satisfied that such was the policy desired by the Imperial Government;" also, with reference to the letter from Sir Alexander Galt to Earl Granville, stating as quoted that "the existing relations would be safer and more durable if a term was fixed therefor," and the letter of Earl Granville, in reply, stating "how much pleased he was with the honourable spirit of such letter;" and whether there is any objection to produce a complete copy of the letters from which were quoted those extracts; and, in any case, whether the Government will be good enough publicly to repudiate the construction of their views and intentions by Sir Alexander Galt?

Mr. MONSELL said, in reply, to the first Question of the hon. Member his answer was distinctly no. The second Question he did not understand. As to the third Question the House would probably recollect that two or three evenings ago he inflicted on them the reading of a long letter to Sir Alexander Galt, from Lord Granville, and he did so in the hope of removing any misapprehension that had arisen with regard to the transaction to which it referred. The whole substance of the letter to which the hon. Member referred was contained in the letter already read. But he must object to the establishment of a precedent for producing private letters between the Secretary of State and the Governor of a Colony respecting the conferring of honours by the Crown on an individual. If the hon. Gentleman would refer to the debates in the Canadian Parliament on the 20th of February last, he would find that Sir Alexander Galt had arrived at the conclusion he now maintained some time ago, and that he had expressed his opinion that the confederation of the Canadian Provinces would lead to ultimate separation from Great Britain. It was, therefore, from the acts of previous Governments and of this House that his inferences were drawn.

PEACE PRESERVATION (IRELAND)—DAMAGES AND COSTS.

Mr. **CHICHESTER FORTESCUE** said, he desired to take this opportunity of asking the attention of the House to a letter he had received relating to a subject to which reference had lately been made in debate. The letter is from a Roman Catholic clergyman in Ireland, whose name has been painfully connected, on the strength of some rumour or other, with a dreadful murder which occurred some months ago. I know nothing of this gentleman; but he writes to me as follows, and I think it is due to him that what he says should be known to the House—

> "I hear my name has been brought before the House of Commons as having denounced O'Brien, who was murdered, on the Sunday before that sad occurrence. Never was statement more unfounded. I never had recourse to altar denunciations in a long career on the mission. I have been on the most intimate terms with deceased and his family up to his death, so much so that I had him proposed as guardian of the poor last year. The intimacy with the family continues still as ever. A respected J. P., John O'Brien, their relative, in the immediate locality, can certify this. It pains me to be thus calumniated after so much pains all my life to prevent crime or outrage, and to promote peace and charity between all creeds and classes."

Sir **GEORGE GREY**: What is the name?

Mr. **CHICHESTER FORTESCUE**: The Rev. Mr. Evers, the parish priest, Mohill, county Leitrim.

PEACE PRESERVATION (IRELAND) BILL—[Bill 75.]

(*Mr. Chichester Fortescue, Mr. Secretary Bruce, Mr. Solicitor General for Ireland.*)

COMMITTEE.

Order for Committee read.

Colonel **STUART KNOX** said, that he had offered no opposition to the second reading of the Bill, in the hope that the right hon. Gentleman at the head of the Government would have given some satisfactory explanation as to the condition into which he had got Ireland. But had he done so? Was not his speech a hopeless attempt to defend himself and his Colleagues when they were struggling for power? The effect of his various speeches and allusion to the Upas tree had been disastrous in Ireland, and had set Protestant against Catholic, and Catholic against Protestant. They were indebted to the right hon. Gentleman for an explanation of the word "felonious" used by the Foreign Secretary. Using that word in the same sense, and as understood by the right hon. Gentleman, and while, however, supporting this Bill as a necessity, he (Colonel Stuart Knox) declared that it had become necessary in consequence of the "felonious" conduct of Her Majesty's Government in Ireland. What greater crimes could be imputed to a Liberal Government than robbing the Church, stripping the landowner, and, lastly, gagging the Press? He congratulated the Government on having brought Ireland to such a state as to require the cousideration of two Coercion Bills in one night, the one for murderers, outlaws, and journalists; the other for landlords. He was not prepared to object to the Bill, nor did he say its powers were not ample, but would the Government put them in force? The rebel journalists who belonged to the national Press would get together and defy the Government, as they already did in anticipation; for *The Nation*, commenting on the Bill, said—

> "We desire to be very explicit in dealing with this brutal threat. We tell the Minister that we

> defy and despise it. The world must see that we scorn and spit upon a tyranny so infamous if it be really attempted."

And *The Irishman*, speaking of some hon. Members below the Gangway, declared that "by their inactivity they had betrayed their country." Would the Government run the risk of acting in a case where so much feeling would be excited by the prosecution of a newspaper? Would not the rebel journalists join together to defy them? With regard to the proposed Press law, he would say that it was very serious and objectionable, though one undoubtedly necessary under present circumstances. But, again, he asked, to whom did we owe the present state of Ireland? He would refer to an extract from a speech made during the existence of the late Government by the right hon. Gentleman the Prime Minister, and hoped that this quotation would not bring down upon him the vials of the right hon. Gentleman's wrath—

> "It is confessed on all hands that Ireland is at present in a very peaceable condition, and free from those acts of outrage and violence that have been unfortunately of very frequent occurrence."

Such was the description of the right hon. Gentleman two years ago. Why was Ireland not peaceable now under a Liberal Government? He would leave the House to answer that question. He agreed with his hon. Friend the Member for Donegal (Mr. Conolly) that it would have been better to have suspended the Habeas Corpus Act, making the terror of the wicked the protection of the good. This opinion was fortified by the statement of the right hon. Member for Morpeth (Sir George Grey) in 1866, who said this power was required not so much for punishment as for prevention, as to which it would afford the most effectual, indeed, the only effectual check. The right hon. Member was in the House, and would, perhaps, now express his opinion to the same effect. He wished to say a word as to what had been said by his hon. and learned Friend the Solicitor General for Ireland. It was with deep regret he heard him make the remarks he did with regard to the Irish magistracy. Had the hon. and learned Gentleman given any advice on the subject to the Lord Chancellor? The hon. and learned Gentleman, in his recent speech, had thought proper to make an attack upon the Irish magistracy, which they could not forget, though he hoped they might be able to forgive; and the explanation of the hon. and learned Gentleman was even worse than the original statement, because he said that, as he was sitting on the Treasury Bench, he would not state his entire opinion on the subject.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE): I never said anything of the kind. What I did say was that I would not change my opinions because I was sitting on the Treasury Bench.

COLONEL STUART KNOX said, that it was so stated in the report of *The Times*; but, of course, it was a mistake. However, he would remind the hon. and learned Gentleman that, if there were any faults in the Irish magistracy, the duty of correcting them rested with the Lord Chancellor and the Irish Law Officers of the Crown. He agreed with the hon. and learned Gentleman when he said that it was not necessary for the welfare of Ireland that we should have a Conservative Government; and he trusted that we might have a change before long, so that we might see the hon. and learned Gentleman in the office of Lord Chancellor of Ireland, when, no doubt, he would use his talents to place the magistrates in a proper position. In the meantime he asserted that no fault could be found with them as a body, and they were ready to do their duty in spite of the slights and insults poured upon them by the Government.

SIR GEORGE GREY: I wish to say, in answer to the appeal made to me by the hon. and gallant Member, that, while the suspension of the Habeas Corpus Act was the only effectual remedy for the state of things which existed in February, 1866, when it was my duty on the part of the Government to move its suspension, I think that remedy would be wholly inapplicable to the totally different state of circumstances which now exists. I entirely agree with what fell the other night from the right hon. and learned Member for the University of Dublin (Dr. Ball), when he showed why a Bill containing provisions of this kind was applicable to the present state of Ireland, while the suspension of the Habeas Corpus Act would have been totally inapplicable to it.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 4, inclusive, *agreed to.*

Clause 5 (Construction of Act).

Colonel FRENCH took exception to the charging upon any one district of the cost of special police quartered upon it on account of an outrage committed by men who came from another district, and narrated the circumstances of an outrage in the county which he represented—that of Roscommon — which illustrated the hardship of which he complained. A body of several hundred men reinstated at night by force a tenant in the house from which he had been evicted, fired off some shots, and retired; they were followed several miles into the adjoining county, where they dispersed; not one of them was from the county of Roscommon; but an order came from Dublin Castle ordering the cost of six additional policemen to be borne by the county of Roscommon. The man who had been ejected was put upon his trial at the Assizes and acquitted. He had always objected to the principle upon which the Irish Government acted in setting aside the resident magistrates. If they trusted the local gentry and the people, outrages would cease; but the truth was, Government knew neither how to coerce or to conciliate There was no appeal against the allocation of expense in such a case as that he had mentioned, and he wished to know whether any opportunity would be afforded of avoiding the infliction of the penalty under similar circumstances?

Mr. CHICHESTER FORTESCUE said, he was unable to follow his right hon. and gallant Friend into the details of the case cited; but he must inform him that the powers proposed to be given by the Bill were additional to those given by the Peace Preservation Act, and it was not intended to do away with any of those powers. There were other Acts which gave the Lord Lieutenant the power to send bodies of police to the scene of any outrage, and to charge them upon the district; and this power was not touched by the Bill. The object of the Government was to act in such cases upon the best information within their reach, and, as a rule, they took into their counsel the magistrates of the district.

Clause *agreed to.*

Clause 6 *agreed to.*

Sir George Grey

Clause 7 (Punishment for carrying or having arms in proclaimed district).

Mr. MOORE said, he thought that imprisonment for two years was too heavy a punishment for the offence, and he was perfectly certain that it would never be carried out. Half of those apprehended for carrying arms would be found to have carried them for no ill purpose, and the sentence would be continually remitted. He moved that "one year" be inserted for "two years."

Amendment proposed, in page 3, line 12, to leave out the words "two years," in order to insert the words "one year."—(*Mr. Moore.*)

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) observed, that it was left to the discretion of the Judge to sentence for any term not exceeding two years, according to the enormity of the offence; and if the House had any confidence in the administration of the law by the Judges, the clause had better remain unaltered, because there might be cases coming within the terms of the clause of a very aggravated character. It was now only asked to restore the law to the state in which it stood according to the original Peace Preservation Act.

Mr. MOORE said, that what he wanted was, that the sentence passed by the Judge should be adhered to when once pronounced, and anyone who knew Ireland must be aware that the punishment of two years' imprisonment, with or without hard labour, for merely carrying arms, would never be carried out.

Mr. SYNAN conceived that imprisonment for one year, with or without hard labour, was quite adequate to the offence. It would be better for the House to fix the amount of punishment, which, after all, the Judges were likely to award.

Mr. M'CARTHY DOWNING also considered that the penalty of one year's imprisonment would be quite sufficient, and said there was no necessity to make the Bill more aggressive than requisite. The punishment of two years' imprisonment was imposed by the original Act; but the term was afterwards reduced to one year in the last Peace Preservation Act, because the punishment previously enacted was deemed excessive.

Mr. CHICHESTER FORTESCUE said, that Ireland was not at present in the same satisfactory condition as at the period when the original Crime and Outrage Act was mitigated. It was true there might be cases where the possession of arms was a trivial offence; but the Judge was empowered to pass any sentence not exceeding two years' imprisonment. On the other hand, there were cases where the possession of arms, contrary to the known provisions of the law in proclaimed districts, was a very serious offence, especially when accompanied by circumstances showing that the persons carrying the arms carried them with a guilty intent. It was, therefore, desirable to have a large limit of punishment. He trusted that this clause would be allowed to remain as it was.

COLONEL FRENCH said, he thought, as the Bill was only experimental and temporary, the change suggested by the hon. Member for Mayo (Mr. Moore) might be made.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 333; Noes 31: Majority 302.

Clause *ordered* to stand part of the Bill.

Clause 8 (15 & 16 Geo. 3. c. 21. and 1 & 2 Will. 4. c. 44. to apply to proclaimed districts).

MR. BAGWELL asked what was the meaning of the reference to other Acts in this clause?

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, this clause was intended to amend what was known as the Whiteboy Act, which had been rendered almost inoperative through a construction put upon it by some of the Irish Judges, who required it to be proved to the satisfaction of a jury that the country was in a disturbed state before they would allow a conviction under its provisions. This clause required only that the district should have been proclaimed in order that the Act should apply; it also empowered the Court to extend the punishment for night offences from fine and imprisonment to seven years' penal servitude. He hoped the Committee would be of opinion that this was a wise change in the law, as these armed assemblages, which were such a curse to the country, ought to be put down by a determined hand.

MR. COGAN deprecated the growing habit on the part of Members of the Government of making long speeches explanatory of any special provision in a Bill, he being of opinion that clauses should not merely state which parts of former Acts were retained and those that were repealed, but ought to enact clearly what the law was intended to be.

Clause *agreed to.*

Clause 9 (Repeal of 11 & 12 Vict. c. 2. s. 4.).

COLONEL FRENCH asked for an explanation. By the Act proposed to be repealed, power was given to the Lord Lieutenant to send down an additional police force to any district, and to advance money out of the Consolidated Fund to defray the expense. It also enabled the Lord Lieutenant to name the portion or portions of a county by which such advance was to be repaid—a very objectionable power; but as the Bill reenacted it, what was the object of repealing it?

MR. CHICHESTER FORTESCUE intimated that the clause had nothing to do with the question raised by the right hon. and gallant Gentleman.

Clause *agreed to.*

Clause 10 (Powers of persons acting under search warrants).

MR. M'CARTHY DOWNING moved an Amendment in line 6, after "fit," insert "between the hours of sunrise and sunset." In former times, when powers were given to search for arms in Ireland at any hour, the demands for admittance to houses had been very vexatious and irritating to families. The hon. Member apologized for having in his Notice of Amendment transposed the words "sunrise" and "sunset," so that the Notice appeared in a form exactly opposite to what he intended.

MR. CHICHESTER FORTESCUE said, he thoroughly understood the meaning of the hon. Member's Notice, as he knew from personal experience how one might unconsciously put the cart before the horse. Taking the words as they were intended to be, he was not able to agree to the Amendment, because the object of the clause was to increase the powers of the police and local authorities upon a matter of the greatest importance when the House had it in view to put an end to crimes which were prevalent in some parts of Ireland. The experience of those who were engaged in exercising the existing powers proved that the law, as it now stood, was totally insufficient to enable them to attain the desired object; as when the constabulary patrols or the troops passed at night through a disturbed district, which they now frequently had to do, they had no power to search the houses of those whom they might suspect to have been engaged in any outrage. The powers it was intended to give to the authorities would be exercised under a sense of the grave responsibility which attached to their use, and the House need not feel any fear that the houses of respectable persons would be violated by a search for weapons. The object of the Bill was to repress outrages, and to that point the attention of the House ought to be directed, rather than to the supposed stringency or violence of any enactment which carried out that intention.

Amendment *negatived.*

Clause *ordered* to stand part of the Bill.

Clause 11 (In proclaimed districts no dealer shall sell gunpowder but to a licenced dealer, or to a person licenced to keep arms).

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) moved to omit the words "quantity of," as he thought it better that the clause should forbid the sale or delivery of any gunpowder; because it was quite possible that, on the clause as it stood, some learned Gentleman might raise the argument that the clause was intended to mean any large quantity of gunpowder. The omission of the words would prevent the possibility of any such argument.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 12 *agreed to.*

Clause 13 (In proclaimed districts where felony committed, Justices may summon persons suspected of being capable of giving evidence in relation to such offence, and punish persons refusing to give evidence).

MR. CALLAN moved, in page 4, line 38, to leave out "proclaimed;" and after "district," insert "specially proclaimed." The Government, he thought, would have no difficulty in accepting the Amendment, which would simply limit the extraordinary powers of magistrates in such peaceable districts as the one of which he was a representative.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he thought that if the clause was amended at all, it ought to be by omitting the word "proclaimed." This clause, which was not intended to apply to any peaceable district, would not introduce any violent change in the law; but was so necessary, that when the Act expired it would be desirable to make this clause a part of the general law of the land. It gave no power which could not now be exercised in cases where in England a defendant was before the justices; but it proposed to extend existing powers to investigations in which no prisoner appeared. Nor was there anything unconstitutional in that proceeding; because coroners had hitherto possessed such powers when they held inquiries, which frequently resulted in the committal of a criminal.

SIR JOHN GRAY thought the clause as it stood objectionable. He understood that this was not a temporary clause, but that it was intended to establish it as a principle of legislation, and to insert it in future Acts; and that any justice would have power to summon any person, without any exception whatever, who had received communications, perhaps under the seal of confession, and make him divulge that communication, and imprison him if he did not answer the questions put to him. All this might be done in the absence of any defendant. He entirely objected to the clause.

MR. SYNAN suggested that the time for discussing the question raised by the hon. Member for Dundalk (Mr. Callan) would be when an Amendment of which he (Mr. Synan) had given notice was before the Committee.

MR. M'CARTHY DOWNING denied that a coroner had power to examine witnesses unless there was a body before him. There could be no inquest until the body was found, and no person could be compelled to give evidence unless there was a body to be viewed by the jury.

MR. GATHORNE HARDY believed that the Amendment of which the hon. Member for Limerick (Mr. Synan) had given notice was intended to improve the clause out of the Bill. He understood the law to be that if there was a defendant proceedings might be taken against him. If policemen had obtained information that persons could give evidence of crime committed they ought to be enabled to summon those persons before a magistrate in order that they might be examined, even if there was no defendant in the dock. He considered this one of the most important clauses of the Bill.

MR. WALPOLE observed that the clause appeared to him to give power to examine a person who might have committed an offence, and he should like to know whether he would be bound to criminate himself?

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, that the law of the land in that respect would not be interfered with; a man was not bound to answer any question that might tend to criminate himself: that being the law of the land, it was not necessary to put any provision with respect to that into the clause.

DR. BALL observed, that this Bill was merely concerned with procedure, and did not in any way interfere with the law of evidence. He objected to the introduction of the Amendment.

SIR ROUNDELL PALMER said, the latter part of the clause expressly provided that a person refusing to give evidence, when called upon, should be dealt with in the manner provided by an existing Act. Now, the existing Act therein referred to did not compel anyone to criminate himself. If it were desirable that crime should be detected, it must be desirable to get evidence with that view. The evidence acquired under the clause could not be used against any one in a court unless it was given in his presence. He could not see any objection to the clause being made a part of the law of the land. It seemed to him to be a wise and excellent provision, and he thought the only question that arose on the clause was whether it ought to be limited as regarded either time or place.

MR. BOUVERIE remarked that the procurator fiscal did in Scotland what it was proposed by this clause the justices of the peace should do in proclaimed districts of Ireland.

LORD JOHN MANNERS said, he hoped the same protection to life and property would be given in proclaimed districts as in specially-proclaimed districts.

MR. WHITWELL suggested whether it might not be better to have the examinations under this section conducted by stipendiary magistrates rather than by justices of the peace.

Amendment *negatived.*

MR. M'CARTHY DOWNING moved, in line 38, after "misdemeanour," insert "under this Act," for the purpose of confining the exercise of the exceptional powers given to the magistrates to misdemeanours under the Bill.

SIR ROUNDELL PALMER said, that this Bill did not define misdemeanours, but took them as settled by law, and gave additional means of punishing them. He thought it would not be desirable to make such an Amendment.

MR. W. JOHNSTON supported the Amendment. If there were not such a limitation as that proposed by the hon. Member for Cork (Mr. Downing) the clause might, perhaps, be applied against a person who hung out a crimson flag from the cathedral of Derry. If the Government refused to accede to the Amendment, he must conclude that either they were going to confer an objectionable power on magistrates, or were going to aid him in his endeavour to repeal the Party Processions Act.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, the hon. Member for Belfast (Mr. W. Johnston) need not be afraid that the parties to whom he had referred would come under the operation of the clause. They never hid their proceedings. He hoped the Amendment would not be pressed. If the words "under this Act" were inserted after "misdemeanour," there would be considerable difficulty in finding out what a misdemeanour under that Act was. Some might then think the clause referred only to those offences that were specially created misdemeanours under that Act; and he was afraid the effect of the Amendment would be that, in point of fact, the clause would apply to no misdemeanour whatever—a result which he was sure the proposer did not intend. If there was to be any such provision at all, it ought to be applicable to every misdemeanour in a proclaimed district.

Amendment *negatived.*

MR. WHITWELL said, he thought, as the power conferred by the clause involved a principle new to the law, it would be better that it should be exercised by resident stipendiary magistrates than by justices of the peace. He proposed to insert "resident magistrates," instead of "justices of the peace."

Dr. BALL strongly opposed this Amendment, which, if adopted, would add to the many other discouragements that prevented magistrates from being active in the detection of crime. It was most desirable to hold out to every man of property and station who had undertaken the duty of a local magistrate that he was expected to discharge it, and not to evade it by casting the whole responsibility and danger upon a stipendiary magistrate.

Sir ROUNDELL PALMER pointed out the wide difference between the office of a procurator fiscal in Scotland and that of a stipendiary magistrate in Ireland. The former was a public prosecutor, and the latter was not. He thought the clause should remain as it was.

Mr. BOUVERIE suggested that the difficulty might be solved by giving that power to two justices of the peace, instead of to one only. The House was usually a little jealous of giving power to a single justice, which might be exercised in his own room.

Mr. CHICHESTER FORTESCUE objected to the Amendment; because the clause introduced into the present law no new principle adverse to the witness or to anybody else, but merely proposed to give the justice of the peace precisely the same power, neither more nor less, of dealing with the witness, in the case of a crime being committed, whether there was a defendant actually charged with the offence or whether there was not. The power taken by the clause would make a serious difference to the administration of justice, but it would make no difference as against the witness himself.

Mr. W. M. TORRENS, as he read that clause, found in it a great deal that was new, because it clearly meant that they were about to do in Ireland what no hon. Member would agree to have done in any part of England. They were going, without there being any accusation against any person, to empower any single justice to call any person, of any age or sex, before him anywhere, and there to interrogate him or her about any matter or thing past, present, or, as he might suppose, to come, without any limitation whatever. That closely resembled the powers of what in old times was called the Holy Office or Inquisition. It was a proposal to search by a dragnet for evidence on any subject which any magistrate, sitting alone, might think required it; whereas the clear principle of law was that no man could be called to give evidence except against somebody who was confronted with him. Such a proposal would create suspicion of the worst possible kind—it would sow serpents' teeth, from which would spring up armed men. If they wanted justice to be administered on English constitutional principles, they should adhere to the rule that a man was to be summoned in public, and before two magistrates, if they were to be had, and, if not, before a stipendiary magistrate. The distinction drawn by the hon. and learned Member for Richmond (Sir Roundell Palmer) between a Scotch procurator fiscal and an Irish stipendiary magistrate was not substantially accurate; because, although the latter officer might not have the power of originating prosecutions, he was, or ought to be, in constant communication with the Executive Government, and under his advice the police were frequently moved about, and criminal proceedings were instituted at his suggestion. He believed that violent infractions of settled law were not nearly so dangerous, because they were not so insidious, nor so liable to be drawn into precedent, as what seemed to be slight and unimportant deviations from settled law; therefore, and looking upon this as one of those deviations which ought to be jealously guarded, he supported the Amendment before the Committee.

Lord JOHN MANNERS said, that if any district in England found itself in the unfortunate position of a proclaimed district in Ireland, he was convinced the English Members would be the first to ask that some such provision as this should be extended to that district.

Mr. O'REILLY said, the practice in Ireland was to summon a witness to attend and give evidence at a petty sessions, and not before a magistrate at his private residence. Great alarm was felt in districts where the resident gentlemen were the magistrates, and, consequently, in districts where a felony or misdemeanour had been committed any magistrate might, under a panic, summon a witness without sworn information to his house and privately interrogate him. As a magistrate, he objected to such vague and general powers being given to that body, because he confessed it was likely to be abused in many ways. He would suggest that the power of summoning witnesses to give evidence in offences where no defendant was charged or present should be limited to sworn information that the witness was capable of giving important information. The best proposition was that made by the hon. Member for Kendal (Mr. Whitwell) for restricting the power of the stipendiary magistrate. The local magistracy were, in many cases, superior to the stipendiary body; but the latter were less liable to be alarmed by temporary local panics, and they were more directly responsible to the Government for any abuse of power.

MR. BRUEN, as an Irish magistrate, speaking for his brother magistrates, said they were not at all anxious for those extraordinary powers; on the contrary, they would rather not have so disagreeable a duty to perform; but if the Government, in the exercise of their responsibility, thought fit to give them these powers, the magistrates would be quite ready, to the best of their ability, to discharge the duties imposed upon them. He objected to the proposal that there should be two justices, because he knew districts where it would be difficult to get two justices together.

MR. COGAN said, as he understood the Chief Secretary for Ireland, it was not the intention of Government to alter the existing law. At present a witness must be summoned to give evidence upon a sworn information in indictable offences at the petty sessions; and, therefore, to give one magistrate power to summon a witness to his private residence, and then interrogate him in private, would be a great departure from the present system. To give a magistrate power to ransack the county round for evidence would lead to acts of great hardship, and would prove injurious to the preservation of the peace of the district. The power should be limited to summoning witnesses on sworn information.

VISCOUNT BURY said, there was a disposition on the part of English Members to leave the discussion of the details of the Bill to Irish Members; but there were some points in connection with them on which English Members ought to express an opinion. It was beside the question to argue the provisions of this Bill as an ordinary measure to meet ordinary cases, because the scope and object of the Bill was to provide by special legislation for an exceptional state of things, and to enlist all those concerned in the administration of the law in vindication of the principles of justice; therefore, anything that might induce the magistrates in Ireland to devote themselves more to the vindication of the law ought to be supported. As to having two magistrates instead of one, he appealed to the right hon. Gentleman whether it would not be impossible in many districts to get two justices together, especially in times of emergency, whereas one magistrate might act promptly, and thus put his hand on evidence which it would be desirable to obtain.

MR. STAVELEY HILL said, he could not agree with those who thought this was a good mode of putting the law in motion. He suggested that the power should be limited in one particular. It would be a dangerous thing for a person to pour the tittle-tattle of a district into a magistrate's ear, and call upon him to act upon it. That would rather defeat the ends of justice. He would recommend to insert after the word "district," "upon sworn information before him that such felony or misdemeanour has been committed."

MR. M'CARTHY DOWNING said, if the clause in its present shape passed people could be brought before a magistrate on the mere *ipse dixit* of a policeman alleging that a misdemeanour had been committed. There should be a sworn information in the first instance that a misdemeanour or felony had been committed, and that information should be the foundation upon which the magistrate should act. Let them not go back to times when a magistrate could summon people to his own house and adjudicate on his own case.

MR. G. B. GREGORY said, he thought that some hon. Gentlemen who objected to the clause could not have read it; because if they had done so, they would have found that the magistrate could only take cognizance of acts committed within his jurisdiction.

MR. CHICHESTER FORTESCUE observed that it was the intention by this clause to give the same power of examining witnesses where no offender had been apprehended as was conferred by the present law in the case where the apprehension had been made. He was perfectly willing to introduce words into the clause, providing that the investigation contemplated should be made in petty sessions, so that it might be held in open court, and not in the magistrate's private house.

MR. BAGWELL objected to their intrusting these odious powers to a stipendiary magistrate, to the exclusion of all the other magistrates who might be assembled in petty sessions.

MR. MOORE likened the powers conferred by this clause to those formerly exercised by the Inquisition, and by the Inquisition alone; because under these provisions a magistrate was empowered to ask a man questions not respecting any particular offence or offender, but respecting anything or anybody he pleased.

MR. GATHORNE HARDY wished to know if the Government assented to the witnesses being examined in public at the petty sessions. [MR. CHICHESTER FORTESCUE: Yes.] That would weaken the clause; because in many places in Ireland petty sessions were held once a week, and in others only once a month, and before two justices at least. It would be better to postpone the clause to enable the Government to bring up a new one.

DR. BALL said, it would be quite sufficient to say the witness should be summoned to the court-house, and not to a particular session. That would obviate all objection to the possibility of the witness being summoned to the magistrate's private house, and sanction the publicity of the proceedings.

MR. CHICHESTER FORTESCUE said, he could not but perceive that there was much force in the remarks of the right hon. Gentleman opposite; but by the insertion of words requiring that the examination should be conducted in the place where the petty sessions were usually held, publicity would be secured without occasioning delay.

SIR JOHN GRAY objected to these powers being intrusted to a single magistrate. There ought to be two, or he should be a stipendiary magistrate.

MR. HUNT suggested that the introduction of the words that the witness should be summoned "to a place where petty sessions are usually held" would answer every purpose.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) believed that the difficulty which some hon. Gentleman imagined would be found in the way of a satisfactory working of the clause was more imaginary than real. The clause was really intended to enact Clause 13 of the Petty Sessions Act, and apply all the powers contained in that clause to the case in which no offender was before the court. The Government were willing to make the clause substantially what the petty sessions clause was.

THE O'CONOR DON said, he could have no objection to the clause if he believed that its effect would be to tranquillize the country; but he was opposed to it, because he did not believe it would have such an effect. He could conceive nothing less calculated to promote peace and tranquillity in a district than an attempt to extort by force evidence from unwilling witnesses. The Solicitor General for Ireland seemed to think that it was sufficient protection to the witness that he would be able to decline to answer any questions which might criminate himself. But, if that exception were largely acted upon, the main object of the clause would be defeated. His firm conviction was, that if magistrates sent men to prison for refusing to answer questions great discontent would be engendered. He had known a case where, under the existing law, magistrates had attempted to procure evidence after this fashion in a case of poaching, and the witnesses refusing to give evidence were committed to prison for a week. But so much excitement and discontent was created in the locality that the magistrates, on some excuse or other, were obliged to liberate those men at their very next meeting; for there could be no doubt that their re-commitment would have been attended with serious consequences to the peace of the district. Admitting that the clause proposed but a very slight extension of the existing law, yet, asthat law was unsuited to the present circumstances of Ireland, he should give to the clausee very opposition in his power.

SIR JOHN GRAY said, he had no objection that any justice should be empowered to summon, provided he was not also to hear and decide.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he had no objection to strike out the word "has" in line 39 and insert the words "shall be made to appear to have," which would make the clause read in effect thus—"Where in any proclaimed district any felony should be made to appear to have been committed the justices should have power to summon him," &c.

Amendment *withdrawn.*

MR. SYNAN said, he had next to propose an alteration which would strike at the principle embodied in the clause. That principle, if adopted, would change the whole character of the law in this country, under which, unless there was a prosecution actually proceeding or pending, no Judge or magistrate had the power of summoning witnesses before him to fish for evidence from them to support a prosecution. Magistrates were men like other men, with local prejudices, with political or social jealousies, possibly filled with local animosities—["Oh, oh!"]—and for their own sakes they ought not to be placed in a position in which, in certain events, they would have power to summon everybody for six miles round before them, and if they did not like their answers to commit them to prison. It had been suggested that a witness could escape from the difficulty by suggesting that his answers might criminate himself. But in what position would he be placed by giving such an answer? Why, it would at once imply that he was the guilty person. If the proposed law were carried out it would aggravate the state of things it was intended to remedy. There were in Ireland many magistrates that were really in a state of monomania, and would be liable to commit most outrageous acts under this clause. He therefore moved, in page 4, line 40, to leave out from "although" to "offence," line 41, both inclusive, and insert, "before whom anybody is charged with the commission of such offence."

Amendment proposed, in page 4, line 40, to leave out the words "although no person may be," in order to insert the words "before whom anybody is."—(*Mr. Synan.*)

MR. GLADSTONE said, he thought his hon. Friend had not chosen the most convenient mode of raising this question, for his Amendment struck at the very essence of the clause, and he wished the Committee clearly to understand that their vote in this instance would be one upon the principle of the clause. It was desirable that the Committee should properly understand how the case stood. The difficulty as to publicity had been got rid of, and all the Government now asked was this—As impunity for crime was the great curse and plague of the disturbed districts of Ireland at the present moment, and as that impunity depended upon the difficulty of obtaining evidence, it was proposed to put any persons who might be able to give evidence to no other inconvenience than might result from rendering them liable to be examined before there was any defendant in the case, and in the same circumstances in which they would be liable to give evidence if there was a defendant. That was the sole distinction between the existing law and that which the Government proposed. He thought the majority of the House would consider, under the circumstances of Ireland, that if they were to have a Bill of this kind at all, it was not an unreasonable demand to make. It went to the root of the mischief with which they were dealing. It had been largely discussed, and he hoped the vote they were about to give would be understood as decisive of the Bill.

MR. MOORE said, he would very much like to hear whether there was to be any practical limit whatever to the inquisitorial power which the clause would place in the hands of the magistrates.

MR. GLADSTONE replied in the affirmative. It must be made to appear that a felony and misdemeanour had been committed, and the subject-matter of the offence would form the limit to the inquiry.

MR. MOORE said, he thought the answer was hardly satisfactory, for who was to determine what did or did not concern that subject-matter? In point of fact, the magistrate would have a right to inquire about every person and everything he chose.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) remarked that if a magistrate were fit for anything he would know whether the questions he asked had reference to the subject before him.

MR. COGAN, while thanking the Government for the concession they had made, thought that they should go further and enact that these investigations should be conducted before two resident magistrates.

DR. BALL doubted whether that would be practicable in remote districts, and thought it would be better to leave the clause as it stood; because he felt certain that a county magistrate would always call in the aid of a stipendiary magistrate if he could, were it only to relieve himself from the odium which might fall upon him in the event of his conducting the inquiry alone.

SIR JOHN ESMONDE suggested that the inquiry should be conducted either by two magistrates or by one resident magistrate.

MR. W. H. GREGORY objected to such an alternative. He looked upon it as invidious to say that it required two Irish magistrates to sit in authority in cases where the jurisdiction of one was sufficient in England and Scotland. Many of them might retire altogether from active duty under such an imputation. He thought it a very fair proceeding that when a crime had been committed, an inquiry should take place, whether anyone were charged or not. For his own part, he could see no great reason to complain of the clause.

SIR PATRICK O'BRIEN was of opinion that the resident magistrates ought to administer the law, as it would be better carried out by magistrates who possessed technical legal knowledge.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 161; Noes 16: Majority 145.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) proposed to insert in the clause at line 41, after the word "summon"—

> "To the place where the petty sessions for the district in which said felony or misdemeanour has been committed are usually held."

The insertion of those words would, he thought, obviate the objection that the examination of a witness might be held in the magistrate's parlour.

The Solicitor General for Ireland

MR. M'CARTHY DOWNING asked whether the Solicitor General had any objection to say that the examination should be in open court?

MR. CHARLEY suggested that an examination in open court might be perfectly useless.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) thought it better to allow the Amendment to remain as it was. He thought the concession made by the insertion of these words was a fair one. The effect of it was not that the party should be summoned to the next petty sessions, but to the court-house where the petty sessions were usually held.

Amendment *agreed to.*

MR. M'CARTHY DOWNING proposed to insert in line 42, after the word "who," "upon an information on oath and in writing," in order to prevent persons giving in the names of others as witnesses for the purpose of annoyance.

MR. CHICHESTER FORTESCUE objected to the words as totally unnecessary. It was a mistake to suppose that witnesses required any more protection than they now had; for they were already subject, in cases where some one was in custody, to the conditions imposed upon them by this clause.

Amendment *negatived.*

Clause, as amended, *agreed to.*

Clauses 14 to 19, inclusive, *agreed to.*

Clause 20 (Power to arrest persons in district specially proclaimed found out at night under suspicious circumstances).

MR. M'CARTHY DOWNING objected to the discretion given to the justices either to commit the suspected person to gaol or admit him to bail "as to such justice shall seem fit." That discretion might be exercised very much to the injury of the person apprehended, and if substantial bail were tendered there seemed to be no reason for rejecting it. He moved, in line 9, leave out "as to such justice shall seem fit," and insert "if sufficient and ample bail be offered."

MR. CHICHESTER FORTESCUE regretted that he could not accept the Amendment, which would weaken the clause by taking from the magistrate the discretion it gave him. He did not think the magistrate should be compelled to take bail, and if the power contemplated by the clause were given at all, it should be an effectual power. The object of the clause was to leave discretion in the hands of the magistrate, and he might exercise it by not admitting to bail at all. The words "sufficient and ample bail" could refer only to the amount of the bail; but the clause would leave it to a magistrate whether a case was one in which bail could be properly accepted. There was nothing new in the provision, which had worked for many years with good effect.

Mr. M'MAHON supported the Amendment. If ample bail were offered, there could be no reason for keeping a man in gaol.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, as had been already observed, the object of the clause was to give discretion to the magistrates as to whether a man should be admitted to bail. There might be cases in which ample and sufficient bail would be offered, and where, in the event of the bail being forfeited, the bail might be indemnified from a fund raised for that purpose, so that the acceptance of bail might not be any security for the appearance of the person charged. He hoped that the Committee would maintain the clause as it stood, in order that the magistrates might have the power of exercising their discretion.

Amendment *negatived.*

Mr. M'CARTHY DOWNING moved, in lines 13 and 14, after "charge" leave out "and unless it is proved to their satisfaction," and insert "and if upon such hearing the justices shall believe;" line 14, after "was," insert "not;" line 15, leave out "his," and insert "some."

Mr. CHICHESTER FORTESCUE said, that having maturely considered the clauses of the Bill, the Government was desirous of passing them in their full force; but these Amendments appeared to him reasonable, and he would not refuse to adopt them.

Amendments *agreed to.*

Clause, as amended, *agreed to.*

Clause 21 (Power to Lord Lieutenant by order to close public-houses in districts specially proclaimed).

Mr. CHICHESTER FORTESCUE proposed the omission from the description of the houses for the sale of liquors of the words "and to be drunk on the premises," explaining that in Ireland, as in England, there were houses licenced to sell drink not to be drunk on the premises, which it was desirable to bring within the operation of the Bill, so as to prevent evasion of the law.

Amendment *agreed to.*

Clause further amended, and *agreed to.*

Clause 22 (Power to arrest strangers in district specially proclaimed).

Mr. M'CARTHY DOWNING objected to the examination "on oath" of the person arrested as contrary to constitutional law, quite unnecessary, and exposing him to an indictment for perjury; and he moved the omission of the words "on oath."

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) did not think the words open to the objections that were taken; but he would consent to the words being struck out.

Amendment *agreed to.*

Mr. BOUVERIE said, the clause gave strong powers for the arrest of persons who might have nothing to do with the disturbances in a proclaimed district, and such persons might be detained in prison because there was no one in the district who knew them to give security for them. He might be travelling in Ireland, might be suspected by an aspiring police officer, might be dragged before a magistrate, who might not be satisfied with the account he gave of himself; he might then be sent to gaol, and his only chance of getting out would be that the Lord Lieutenant or the Chief Secretary would exercise a little more discretion than the magistrate, and upon the information forwarded to them would be disposed to let him out. He would suggest that a penalty should attach to the justice who did not forward a report to the Lord Lieutenant immediately, otherwise he might be arrested, and if the report was not sent up to Dublin immediately he might be kicking his heels in prison without the Government having the opportunity of considering his case.

Mr. CHICHESTER FORTESCUE assured his right hon. Friend that he underrated the chance of escape he would have under such circumstances. The Lord Lieutenant had the means of knowing most things; police reports reached the Castle of Dublin every morning, and where there was any doubt the Lord Lieutenant had power to make inquiry and ascertain what was going on. The point raised by his right hon. Friend had not attracted his attention, but he would consider it before the Report.

MR. STAVELEY HILL remarked that by the clause it was provided that "it shall be lawful for any justice of the peace to arrest and bring before him a stranger," &c. There was an Irishism. How was it necessary to bring the person before the justice of the peace when the justice had arrested him, and he must already have been before him?

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE): If there be an Irishism in the clause it is taken out of an English Act of Parliament.

COLONEL FRENCH said, he thought the power given by the clause ought to be granted in the case of a stranger appearing in any locality and not being able to give a satisfactory account of himself.

Clause, as amended, *agreed to.*

Clauses 23 and 24 *agreed to.*

Clause 25 (Any metropolitan police magistrate or stipendiary magistrate may act alone).

MR. BAGWELL objected to the last part of the clause. He was sorry that the Chief Secretary was not in his place, as he found that Clause 13 had been amended in a manner he had not been led to expect. He understood, from the conversation he had with the Chief Secretary in the Lobby, that the cases under that clause would be heard by two magistrates in petty sessions courts; but it now appeared that one magistrate was to take upon himself the invidious and odious duty of examining a person privately; and having taken the evidence, the first gentlemen in the county were not to have any cognizance of it when they entered the petty sessions court.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he could not answer for what his hon. Friend the Member for Clonmel had understood from the Chief Secretary; but, so far as he was concerned, no arrangement had been come to that two magistrates should take the cases under Clause 13. It was a little irregular now to discuss that clause. There was no breach of faith. It would have defeated the whole intention of the clause for the Government to yield on the point. The summary proceedings under the 25th clause related only to breaches of the Whiteboy Act, the Arms Act, and illegal drilling and training to the use of arms. Power was conferred on justices at petty sessions to dispose of such cases summarily, instead of sending them to the assizes. It was required that at least two justices should be present, and that one of them should be a stipendiary magistrate; but there was no intention to cast any slur upon the local justices. He believed they generally discharged their duties properly and justly.

Clause *agreed to.*

Clause 26 (Venue may be changed on suggestion of Attorney General).

MR. M'MAHON objected to the clause, on account of the extraordinary power it would give the Attorney General. The hon. and learned Gentleman could order a trial to be removed from Ireland to London. He suggested that in cases where the venue was changed provision should be made for payment of the defendant's expenses.

SIR JOHN GRAY said, he objected to this power being given to the Attorney General. He was not to come and ask, or to show cause, but to command the Queen's Bench on his mere *ipse dixit* to remove a trial. What had the Court of Queen's Bench done to warrant such an insult?

MR. MOORE moved to strike out from "the said Court," in line 15, to the word "upon," and insert "may, if the Court think fit."

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, the Government were exceedingly anxious that no hardship should be imposed upon any prisoner in consequence of his being removed to another county for trial; and he promised that the suggestions which had been made should be considered by the Government before the Bill was passed. As an instance of the willingness of the Government to make such provision he mentioned that at the last trial which was held in the Court of Queen's Bench for Ireland, counsel for the prisoner asked the Lord Chief Justice to consider the expenses of his being tried in Dublin, and the Attorney General for Ireland at once consented to make provision for those costs. His hon. Friends the Members for Kilkenny and Mayo scarcely understood the law as it was at present, or they would hardly have proposed to strike the clause out of the Bill, and to give the Court of Queen's Bench power which it already possessed. He (the Solicitor General) did not wish to take any power from that court, which was presided over by his Friend, Lord Chief Justice Whiteside, who had, in past years, delighted the House with his eloquence, and whose assistants were not in any respect inferior to himself. That court could now entertain an application to remove a trial by *certiorari* from sessions or assizes into the Court of Queen's Bench, where it would be disposed of as a cause at *Nisi Prius*. If, however, the Attorney General wished to change the venue he should apply to the court on affidavits, as was done in the case of "Regina *v.* Barrett," stating that in the county in which the offence was committed an impartial trial could not be obtained in consequence of the state of public feeling there. He desired to state in an open and bold manner that the object of the Bill was to grapple with the condition of Ireland, leaving the law unchanged as far as possible, but, where it introduced changes, giving power to the Attorney General, who was amenable to Parliament and to public opinion. He, upon his own fiat, could ask the court to remove the trial into any other county that he might name, because the court had no materials on which to judge with respect to the county in which a trial should take place. A prisoner could then be tried according to the laws of Ireland by a jury who would be free from intimidation and insult, and thus the course of justice would not be stayed.

SIR JOHN GRAY said, he did not know that the Court of Queen's Bench for Ireland had done anything for which its authority should be superseded, as it would be by the adoption of this clause, which gave the Attorney General power to direct the court to do that about which its discretion was now exercised. The court had never been accused of partiality or disaffection, and it ought to be allowed to determine as to the sufficiency of the evidence on which the application was based before it ordered a venue to be changed. By this clause the Executive Government would override the court, trample on its dignity, and command it to do as it was bidden, and to this he (Sir John Gray) objected.

MR. M'CARTHY DOWNING said, the Attorney General for Ireland—for whom he entertained the highest respect—would, under this clause, merely have to send the Crown Solicitor into court with two lines, stating—"It is hereby directed by the Court that the issue above joined shall be tried by a jury of the county of ———," and thereupon a Kerry prisoner might be sent to Monaghan or Donegal, although in the county to which he was removed there was not an individual who could give him a character. At present a prisoner might not be able to resist the application to change the venue, but he might show good cause why his trial should not be held in a particular county. This clause would give power to the Attorney General to remove a prisoner to any county, and would revive a power which had only been exercised by the Crown in the darkest days of Irish history.

DR. BALL said, it should be considered that the power which it was proposed to give the Attorney General might be used in prosecutions arising not out of agrarian or political disturbances, but out of party questions. Was the Attorney General in such a case to be permitted to choose his Judge and choose his venue? The objection appeared to him to have weight, and he could not see what objection there could be to leave the jurisdiction with the Court of Queen's Bench.

MR. CALLAN remarked that the Judges of the Court of Queen's Bench were far less likely to be swayed by political motives than the Attorney General or any other political officer.

MR. MAGUIRE said, he thought some case should be made out of failure of justice through the refusal of the Court of Queen's Bench to comply with the request of the Government before such an extraordinary proposal as this was adopted.

MR. BRADY said, he hoped the Government would not press the clause.

MR. CHICHESTER FORTESCUE said, he thought there was considerable force in some of the objections urged against this clause. They did not think they would be justified in surrendering the power which was claimed for the Attorney General, especially in regard to proclaimed districts, of removing a trial from a county. But they thought it would be an improvement to leave the decision as to the place to which it should be removed to the Court of Queen's Bench. It was of the utmost importance that a trial should be removed from a disturbed district, and that it should be known that it could without any doubt be removed. But with respect to the place where an accused person should be tried, this they were quite ready to leave the court to decide.

Mr. MOORE said, he would withdraw his Amendment.

On Motion of The Solicitor General for Ireland, words inserted, giving power to the Court of Queen's Bench to direct the issue to be tried in such county as the court shall name.

Clause, as amended, *agreed to.*

Clause 27 (Newspapers containing treasonable or seditious matter, &c. forfeited to Her Majesty).

Mr. BOUVERIE confessed he viewed this clause with feelings of considerable repugnance, inasmuch as it placed restrictions upon the freedom of the Press, and would lead the Government to embark into a system of greater evil with regard to the Press than had existed for the last 200 years. It would, in fact, be creating afresh a kind of Star Chamber, because the Government would have absolutely the power of putting down the Press in Ireland. He thought the most they ought to do was to stop the issue of only those newspapers which should be published with seditious matter after the introduction of this Bill in the House of Commons on the 18th of March. He begged to move the insertion of the words "and published after the 18th of March of this present year."

Dr. BALL thought the Amendment unnecessary. An Act of Parliament was not retrospective unless it contained specific words to make it so.

Mr. BOUVERIE observed that in Clause 30 it was provided that—

> "Any copy or copies of the said newspaper published before the search or seizure complained of may be given in evidence."

Here there was no limit taken as to time.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he thought the words of the clause as it now stood were sufficient to prevent any retrospective operation; but, if the right hon. Gentleman (Mr. Bouverie) withdrew his Amendment, he would move the insertion of the words, "any newspaper printed in Ireland, or purporting to be printed in Ireland, after the passing of this Act." Those words would take the place of the words, "any newspaper printed in Ireland."

Mr. BOUVERIE said, he would withdraw his Amendment.

Amendment (the Solicitor General for Ireland) *agreed to.*

Mr. SYNAN rose to move, as an Amendment, the omission in page 10, line 5, of the words "treasonable or seditious" from the clause, on the ground that the Solicitor General for Ireland had stated that this Bill was not one intended to meet political, but social disorder in Ireland. That was to say, it was to provide against acts of felony, and not against acts of sedition. There was no necessary connection between treasonable or seditious writing and writing which incited to agrarian outrage. If, in this case, there was such connection, the onus of proving it was on the Government, but they had not done so. The writer who wished to bring about a treasonable or seditious movement, would defeat his own object if he incited to agrarian outrage. Political writing in Ireland ought to be under the same legal conditions as political writing in England, and what would the institutions of this country have been if the freedom of the political Press had been interfered with in the manner which it was proposed to interfere with it in Ireland under this clause? If the attempt were made to mix up two distinct and separate classes of offences, the effect would be to array against the Government all the intelligence, order, and property of the country. As the Bill stood, it appeared as if it were wished to pass enactments for the suppression of political agitation, under the pretence of checking the licentiousness of the Press. He protested against having one law for Ireland and another for England, which made the Union virtually one of parchment only. It should be left to the ordinary law of the highest tribunals in the country to decide what was treason and sedition, instead of to the judgment of an individual. The hon. and learned Gentleman concluded by moving the omission of the words "treasonable or seditious" from the clause.

MR. STAVELEY HILL, in seconding the Amendment, thought the mixing up of legislation in regard to the Press with a measure brought in for the repression of agrarian outrages was a very questionable proceeding. They were asked to create a wholly novel jurisdiction with respect to treason and sedition, and although he condemned the articles which had been quoted the other night from certain Irish newspapers, yet he felt that he should be false to his profession if he did not view with extreme jealousy any interference with the freedom of the Press; for the Bar and the Press had always stood foremost in support of the liberty of the subject. What was the present state of the law in relation to treason and sedition? Any man might be indicted on information for any treasonable or seditious language; the matter went before a jury, whose function it was to say whether or not it amounted to sedition or treason. If the jury held that it did, then the defendant was subject to the penalty of fine or imprisonment, or both. He agreed with the Prime Minister in thinking that the punishment of imprisonment alone was unsatisfactory, because it might be easy for the proprietors or conductors of a newspaper to get some one to go to prison for them. It was proposed by Clause 27 and the subsequent clauses of that Bill that—

> "Where any newspaper printed in Ireland contains any treasonable or seditious engraving, matter, or expressions, or any incitements to the committing of any felony, or any engraving, matter, or expressions having a tendency to foster, encourage or propagate treason or sedition."

Then certain steps might be taken against it. Who was to be a judge of that? The Lord Lieutenant of Ireland or the other members of the Irish Executive, who, if they thought any newspaper article or engraving had "a tendency to foster sedition," might immediately order the seizure of the press and all the printing materials of the journal in question, and such seizure having been made, and the owner's property all taken away from him, he might defend himself if he could get enough money for the purpose. And how was he to do it? He might bring his action under the warrant of the Lord Lieutenant, the very authority who had ordered the seizure of his property and set the whole proceeding in motion against his journal. And the man, too, must commence his action within the short space of fourteen days of the date of the seizure. That was a sample of the way in which the unfortunate printer was to be treated. Well, the Government would appear as the defendant in the action, and the only defence it need put in was that the newspaper did contain the engraving or expressions complained of; and, in the event of the jury finding that the newspaper did contain the engraving or expressions, the Government would be entitled to the verdict. Thus, the only question for the jury to inquire into was whether the words that appeared in the Lord Lieutenant's warrant really appeared in the journal; and if they did the jury must find a verdict for the defendant. It was for the Judge alone, under the Lord Lieutenant, to say whether the matter or the engraving was a seditious libel or not. Was not that one of the most gross interferences with the liberty of the subject ever attempted in our time? As the Government was to be a party to the suit, surely it should be careful, above all things, not to adopt any high-handed action. But the Government was to say to the printer—"You have committed an offence against us; we will send down an officer to judge between you." No doubt, that officer would be a Judge of high character; but, surely, a mode of proceeding so open to hostile comment ought to be avoided. The leading journal that day expressed a hope that some means would be devised for averting such an interference with the laws of this country, and he himself would venture to suggest that the Act of 20 & 21 *Vict.* c. 83, commonly known as Lord Campbell's Act, which was passed after most careful consideration by the highest authorities to prevent the sale and dissemination of obscene books and pictures, &c., might be made applicable to the present case by the insertion of two words—namely, "treasonable or seditious"—after the word "obscene" in the first section. The section in question empowered magistrates to authorize by special warrant the search of suspected premises for obscence publications, and if such publications were discovered they might be seized and brought before the magistrates, who would thereupon summon the owner to show cause within seven days why they should not be destroyed; and if the owner failed to appear, then the magistrate, on being satisfied that they were of a such a character and description that their publication would be a misdemeanour and proper to be prosecuted as such, should have authority to order them to be destroyed at the expiration of the time allowed for lodging an appeal. What did they do under that Act? They kept strictly within legal bounds. They did not allow the papers to be destroyed until the time for appeal had gone by. If the Court of Appeal should find that the papers were not of the character which the magistrates had found them to be, the whole of them were to be restored, the person who had seized them was to offer amends, and then no action could be brought. Could there be a more proper way of dealing with the subject than that? But under the present Bill books and pamphlets printed elsewhere would be freely circulated in Ireland, and in that case what would this Act be but simply an insult to the Irish Press? When *The Confessional Unmasked*—he had argued the case before the Queen's Bench—was seized, what was done? Did they go to the office of the Electoral Union and seize the property there? No; they were content with taking the book and stopping the circulation; and from that moment the book was no longer seen in the Strand and Trafalgar Square, where before it was publicly sold. He was reminded by the present proposal of one of the dialogues of Lucian, in which a countryman and Jupiter meeting together began to talk, and the countryman having said something which his godship did not approve, Jupiter threatened him with his thunder. "That proves, Jupiter," said the countryman, "that you are wrong; you are always wrong when you appeal to your thunder." Depend upon it the people of Ireland would say the same thing. Restraint always engendered resistance; but by appealing to the reason of the Irish people we should convince them that they were governed by true friends, in whom they might confide. By bringing in a Bill which should stop treason and sedition wherever it made its appearance, which should deal equally with the people of England and Ireland, Her Majesty's Government would take away the sting from all complaint of injustice by showing that what was law for Ireland was law for England also.

Amendment proposed, in page 10, line 5, to leave out the words "treasonable or seditious."—(*Mr. Synan.*)

THE O'DONOGHUE said, he wished briefly to justify the vote he was about to give. It would be a waste of time to investigate the causes which had led to Irish discontent and to the unsettled state of Ireland. He entertained no doubt that both had been the result of misgovernment. Misgovernment it was that had detached the great body of the people from the State; that had made men of all classes, with the exception of a small domineering minority, at best only qualified supporters of the established order of things. Then, from an apprehension of going from bad to worse, they submitted to what appeared to them to be their inevitable fate. But it was not in human nature that they could loyally sustain a system which denied them the exercise of political rights, which was based upon intolerance, and which placed them not merely at the feet of a triumphant nation, but absolutely at the mercy of every local despot. He mentioned these circumstances not to revive memories that he hoped to see buried for ever, but in order to call the attention of the House to the character of the government that Irishmen formerly had to endure, to remind them of the treatment against which it was in those days that the spirit of Ireland rebelled, and to contrast the free and enlightened system founded by the right hon. Gentleman the Prime Minister with one which, while powerful enough to suppress rebellion, rendered loyalty impossible. Irishmen were now living under a Government that had disestablished and disendowed the Irish Protestant Church, and inaugurated religious equality—under a Government that had brought in, and, he doubted not, would carry through, a measure of land reform, imposing penalties so heavy upon the exercise of arbitrary powers of ownership as to render eviction practically impossible — and under a Government which, having pledged itself to the adoption of the Ballot, had guaranteed the reign of political liberty, and thereby placed within the reach of his countrymen all the advantages that legislation could confer. Why, he maintained, that if their ancestors were to revisit the scene of their sorrows they would nowhere be able to find the grievances which had pressed them to the earth. Under these circumstances he could not help asking himself what course it was his duty to take as a representative of the people, and as one who hoped, at all events, to place his name among the faithful servants of his country. Was he to advise his countrymen to turn away from a Government that was prepared to do for them all that any Government could possibly do, to scoff at the good that was proffered them, and to follow the advice of those who would bid them wade through a sea of blood, at the other side of which they would find—if, indeed, the passage could ever be made—a land of hopeless anarchy? Or was he not rather to tell them that their cause had triumphed; that ascendancy had fallen; that the land for which their fathers had struggled was to be enjoyed by them for ever, subject to only the conditions of industry and prudence; and that it was their destiny together with England and Scotland to form for ever an independent portion of a free, prosperous, and invincible Confederation? It had often been said in the history of Parliament, and often repeated in the course of these debates, that we had reached a crisis in the affairs of Ireland. He believed that much-used expression was never so applicable to the condition of affairs as at the present moment, because the Irish question had narrowed itself down to the simple issue for or against Union with England. Now, however, instead of ascendancy, they had equality; instead of political exclusiveness, the doors of the Constitution stood open to all. In the presence of that happy change it was the duty of all who loved their country to stand out boldly and stamp as false patriotism, as ruinous and as fatal to their country, the propagation of doctrines that would precipitate Ireland into a useless, because a causeless, struggle. As he understood the clause it was directed against such writings as were calculated to incite to agrarian outrage and the disruption of the Empire. He would ask, then, whether the liberty of the Press required that men should be allowed to instigate their readers to the overthrow of the State, in a condition of affairs the very reverse of that which had always been considered a justification of revolt against established authority? He maintained that if they desired to countenance and protect the description of writings to which he had alluded, they would withdraw this Bill; but if they wished to suppress them they would pass this measure and enforce its provisions. It had been shown that writings of this kind existed, and that the ordinary law was not only inadequate to meet the difficulty, but that it actually increased the evil which it was their object to destroy. That being so, he said that the Bill was necessary. He was not to be deterred from doing what he believed to be his duty by being told that he was aiding in passing an Act of Coercion. He would ask who it was that would be coerced? Certainly not the great body of the people, who were having rights conferred upon them which would render their position as firm as the land upon which they trod; not the Catholic clergy, who had been made equal with their Protestant brethren. All that the Bill would coerce would be a small knot of scribblers, who had arrogated to themselves in the most unwarrantable manner, that they alone were endowed with the attributes of nationality; a class of scribblers whose policy it was to efface the teaching of O'Connell, to vilify the priesthood, and to change and pervert the confiding nature of the Irish people. According to his notions, Ireland fallen before the machinations of those men would cease to be Ireland; and in giving them every opposition in his power he felt that he was rendering an undoubted service to his country, and acting in the spirit of those traditions which he held to be sacred.

MR. GATHORNE HARDY: Although I shall not use such flowing language as the hon. Member who has just sat down, yet I shall not hesitate to give my earnest and cordial support to the Government in reference to the clauses that are now before the Committee. I deeply regret that my hon. Friend the Member for Coventry (Mr. Staveley Hill), led away by an enthusiasm for the freedom of the Press—my ideas as to which concur with his—should have said, with respect to England and Ireland, that he wishes to put them on the same footing, evidently quite forgetting that this was a Bill due to the exceptional state of Ireland—a state into which, I trust, England will never be reduced — and was intended to endure for little more than a year. These clauses, I admit, are of an exceptional and of a very strong character; and the circumstances of the case require them. The hon. Member for Limerick (Mr. Synan) has told us that treason and sedition had nothing to do with agrarian outrage. Why, really, I do not know whether the hon. Member is acquainted with the country in which he lives. All those connected with the Government of the country and of England must know that there is an association between these different crimes, and that those treasonable and seditious writings give the strongest encouragement to agrarian crime. These are written with the view of subverting the order of things in Ireland; and the agrarian system is part of that scheme for taking possession of the land, and driving those who are in possession, and in some cases those who are only in occupation, out of it. My hon. Friend has stated that this is a question between the Government, speaking of it as a temporary Government founded upon certain principles for the moment, and the newspapers. If I thought I was supporting a measure which would enable the Government to put down their political adversaries, no one would be more averse to such a scheme than myself. The papers which will come under these clauses, are not such papers as those which hon. Members are accustomed to read, newspapers in which questions are discussed, oftentimes, it is true, with fervour and even violence, but papers published with the studied and avowed purpose of overthrowing the Government, and of overthrowing all authority and social order throughout the country. Such newspapers encourage crime, because in speaking of it they palliate it; agrarian outrage they justify, because in referring to those who have become its victims they describe it as a punishment which has overtaken offenders by whom it was deserved, and treason and sedition they praise as the highest qualities. Those who are convicted they regard as patriots and martyrs, and of those in prison they speak as having rendered great service to their country. How would you deal with those papers? Prosecute them? Why that would give them a greater circulation and a higher importance than they would otherwise obtain. But we might trust the Government with those powers, for unless the circumstances were very strong indeed no Government would interfere with the Press. My hon. Friend the Member for Coventry has said that the Government in suppressing a newspaper will only have to prove that the engraving or paragraph for which it is suppressed has really appeared in it; but my hon. Friend should remember that they will also have to prove that the engraving or paragraph is such as has been described in the Bill. And I am bound to say the time has now come when the Government has a right to have a fair jury trial, as the opponents of order and good government have so long had the benefit of an unfair one. As to Lord Campbell's Act, it is no doubt a very excellent law; but I wish to know whether those who are anxious for the freedom of the Press would desire to have that Act applied permanently to seditious or treasonable publications. Would that Act be more favourable to the liberty of the Press than this Bill with respect to the Press in Ireland? Suppose the Press were seized for political writings under Lord Campbell's Act, I should like to know how long that would last as a permanent institution in any country. Those newspapers which have been named by the Solicitor General for Ireland are of the basest and most degrading character. They are published by persons whom it would not be worth while to prosecute. There are persons, no doubt, who find the capital for such things, and therefore you must proceed *in rem*, and not against the person. I have thought it my duty to say, on the part of those with whom I act, that we are prepared, considering the exceptional state of Ireland, to give these stringent and exceptional powers to the Government, hoping that after they have been put in force the people will see that they must argue temperately if they wish to argue with effect; and that if they argue intemperately the Government has powers, conferred upon them by Parliament, which will easily put them down.

Mr. MAGUIRE said, he could not, with any respect to himself and those with whom he acted, remain silent after the speech which had been delivered by his hon. Friend the Member for Tralee, (The O'Donoghue). His hon. Friend had made a most eloquent and impressive speech, but one which would have been more appropriately delivered on the second reading of the Bill. No man in the House felt greater pain than he did at being called upon to discuss a question of this kind. Ever since the right hon. Gentleman the Prime Minister came into Office he had given him a hearty and unswerving support, not only in the House but in Ireland, at the risk of misrepresentation from the very men over whom he was now trying to cast a shield. Why had he done this? Because he believed in the power of Parliament to redress the grievances of Ireland; because he was in favour of constitutional modes of action; because he entertained the most profound faith that, in spite of all that was now said in Ireland, in some years to come she would be a quiet, a tranquil, and an orderly country. But it was hardly fair of his hon. Friend to imply that those who, on this occasion, stood up to resist a violation of the liberties of the Press thereby were encouraging others to deeds of violence, or were seeking the disruption of the Empire. In this matter he occupied a peculiar position; but he would rather lose his life than in any way degrade or prove false to the institution with which he had the honour to be connected. For years, even at the time of the greatest danger in 1866 and 1867, it was known that his hand wrote the articles which day after day appeared in opposition to sedition and violence. He was but a wretched journalist, who imagined that violence of any kind could wield power for any time in this country, or that good could result from a resort to measures which were beyond the Constitution. Writings of such a tendency he would never encourage; on the contrary he would be the first to denounce them. But it was another thing to give the Government the powers they asked for. Never was there any Government in whose honesty of intention he had greater confidence; but the powers which they sought to obtain, if they did not themselves abuse, others might do who came after them. As one of the guardians of public liberty, he would not arm any Government with powers which, some time or other, might be turned to the most desperate purpose. He avowed that he wished to stand well with the House. He desired that the character which he had maintained for eighteen years before the House should not be tarnished, even by imputation. But he could not support the course proposed by the Government. The Solicitor General said that the Government did not prosecute because they could not get verdicts. Was that so? Had not Mr. Pigot and other proprietors of newspapers in Ireland been prosecuted before Irish Judges and found guilty by Irish juries? If the sentence was insufficient and the offence was repeated, the Government had the remedy in their own hands—let them prosecute again and again; but do not let the Government be armed with plenary powers of acting upon mere dislike or suspicion, let them not be prosecutor, Judge, jury, and executioner as well. The House had refused to the Solicitor General the power for which he asked of changing the venue at discretion, and thus of depriving men of all constitutional protection. Then why should they give to the Solicitor General, however good and kind he might be, the power of striking a blow at the liberty of the Press? With every honest man in Ireland he should be glad to see any offence against order, any disturbance of the public peace, and, above all, anything that excited to assassination punished, and he should like to see the man guilty of any such an offence brought before a jury, and the whole moral weight of guilt put upon him by the verdict of twelve men in the box. [*Laughter.*] This, perhaps, sounded like an anti-climax; but his meaning was clear. He referred to the condemnation of twelve men sworn to administer justice between the offender and the Crown. He and hon. Friends who had sat near him had allowed various provisions of the Bill to pass, believing that the hands of the Government required to be strengthened; but he would not put the axe into their hands. He put aside the Lord Lieutenant, who always acted according to his Advisers; but he would not trust those Advisers. There was one amiable man on the Treasury Bench —[*Laughter*]—he meant one especially amiable man—whom he had known for a very long time, and who was, perhaps, one of the mildest and most amiable men in Ireland—he spoke of the Judge Advocate General; but he would not intrust the exercise of these powers even to his hon. and learned Friend. He thanked the House for allowing him to vindicate his own character; he was sorry those remarks had been dragged from him, but he could not have remained silent after the speech of his hon. Friend the Member for Tralee, which was distinctly a condemnation of those who did not act with him. The time, he believed, would come, even in Ireland, when a man's acts would vindicate his conduct and his motives; popularity was a fleeting thing, and only knaves and fools sought after it. Of popularity he was an utter despiser; he had faced his own countrymen whenever it was necessary to do so, and was prepared to do so again. But in honour and in conscience he could not surrender the constitutional protections enjoyed by the Press of his country even to a Government which enjoyed his entire support.

Sir ROUNDELL PALMER said, it was hardly necessary for the hon. Member who had just sat down to vindicate his own personal conduct and character, and if all the Press of Ireland would follow the example of the journal with which he was connected the Committee would not be discussing these clauses. It was easy to sympathize with the chivalrous feelings which had led the hon. Member to stand up for a class of persons with which he was in some sense identified, but with which, he was sorry to say, those against whom the clauses of the Bill were directed were not, except in the estimation of the hon. Member himself, in the least identified. Having said this much, he must add that the speech of the hon. Member seemed to be rather addressed to the considerations which affected that small class of persons, than to those considerations which affected the community at large. It was a very grave occasion on which they were met. They all felt that it was necessary to reinforce the Government with extraordinary powers, in order that the proposed measures of relief, in themselves extraordinary, might have a fair chance of producing the desired effect. Unless law and order were maintained in Ireland it was worse than idle to expect any good to result from the Government's remedial measures. The next subject for inquiry was, whether law and order could be maintained in Ireland, if several sources of moral and political poison were allowed to exist uncontrolled, disseminating their noxious streams through the centres of intelligence in Ireland, and, indeed, throughout the country, and inciting the people to evil? It would be in the last degree inconsistent, it would be in the last degree unjust, it would be in the last degree cowardly, if, in deference to any conventional notions or to the influence or power of any portion of the Press of the United Kingdom, they were to determine to strike at the victims of the delusion created by the seditious Press all over Ireland by extraordinary means, and not to endeavour to stop and arrest the source of the delusion. That noxious, immoral, and unscrupulous Press was the active instrument in fomenting the delusion throughout Ireland, and it would be unworthy of the House to attack the ignorant and poor victims, and not attack the active and factious authors and originators of sedition. It should be remembered that it would not be necessary to put these powers in force if the papers would only abstain from disseminating treasonable and seditious matter. If they took warning they would not be touched; but if they did not, then everyone who had at heart the future welfare of Ireland, and claimed protection for the loyal people of that country, must desire to do his duty by accomplishing the objects aimed at by this Bill. The House must feel it to be due to them that those sources of evil should not be left unrepressed. He was now brought to the particular Amendment before the Committee. He confessed he could hardly understand the state of mind which would lead anyone to recommend that Government should have the power of seizing the material of a newspaper which incited to the commission of felony, but would not give power to seize a newspaper which contained treasonable or seditious matter. The incitements to felony with which the Bill concerned itself were almost inseparably connected with the publication of treasonable and seditious matter; those felonies were not ordinary crimes, but crimes which originated in political or semi-political ideas. Agrarian and seditious crimes so ran into one another that it was impossible to draw the line between them, and if they permitted the one they could not suppress the other. If the Committee was in earnest—if it really intended to stop those evils—it must retain the words struck at by the Amendment. He thought it would be best to take a division first on the word "treasonable," leaving the word "seditious" to be considered upon the Amendment of his right hon. Friend the Member for Kilmarnock (Mr. Bouverie). With respect to the suggestion of the hon. and learned Member for Coventry (Mr. Staveley Hill) as to the extension of the principle of Lord Campbell's Act, he did not know whether he was of opinion that the liberty of the Press would be better protected by two justices of the peace or one stipendiary magistrate than it would be by the Lord Lieutenant. If this power were to be in the hands of anyone, it should be in the hands of the Lord Lieutenant, on whom the eyes of the country would be fixed, and who would act under a sense of extraordinary responsibility. The question resolved itself into this—whether they were in earnest or not. If they were in earnest, he would say let them go at once to the fountain-head, and rely upon the wisdom of Parliament to exercise that control which Parliament would most assuredly exercise in this case over any abuse, supposing it were to take place, of the powers it proposed to give to the Government of Ireland.

SIR JOHN GRAY said, he hoped the hon. Member would withdraw his Amendment, and let the question be decided on the Amendment of the right hon. Member for Kilmarnock.

Question put, "That the word 'treasonable' stand part of the Clause."

The Committee *divided*:—Ayes 330; Noes 15: Majority 315.

NOES.

Bagwell, J.
Brady, J.
Bright, J. (Manchester)
Callan, P.
Charley, W. T.
Dilke, Sir C. W.
Downing, M'C.
Fawcett, H.
Hill, A. S.
Maguire, J. F.
Matthews, H.
Murphy, N. D.
Whalley, G. H.
White, hon. Captain C.
White, J.

TELLERS.

Moore, G. H.
Synan, E. J.

Question proposed, "That the words 'or seditious' stand part of the Clause."

MR. BOUVERIE said, he wished to state to the Committee the grounds on which he was about to lay before them the Amendment he was about to propose, and which he hoped they would consider more favourably than that which had just been rejected. There was a very wide distinction between treason and sedition. Treason was an offence which was definable, and which was understood by everybody. Such, however, was not the case with respect to sedition, and it seemed to him somewhat remarkable that one of the earliest measures which should be submitted to the present House of Commons, which was the first that had been elected under the most popular suffrage that had ever been known in the history of this country, should be one for imposing restrictions on the Press, such as in the most highflying times of Tory government had never been resorted to. There was another observation of a general kind which he wished to make. The House was asked to legislate with respect to newspapers, on the ground that they fomented discontent and agrarian outrage in particular sections in Ireland. But the House must recollect that agrarian outrages were limited to certain districts in that country, while those fountains of poison of which an hon. and learned Friend of his (Sir Roundell Palmer) had spoken circulated all over Ireland. Now, the present Parliament was inaugurated as one which was to do equal justice to Ireland, and place her on the same footing as England and Scotland, and he would submit to the Committee that if there were bursts of lawlessness in particular portions of England or Scotland, while they would, no doubt, be willing to strengthen the hands of the Government in every reasonable way in repressing that lawlessness, they would never dream of submitting the whole of either of those countries to the restrictions which were now about to be imposed on the whole Press of Ireland. To allow the Executive Government in Ireland, whatever its complexion might be, of its own behests, irresponsibly to subject the Press of Ireland to forfeiture was, in his opinion, to make them masters entirely of that Press. Now, there was not a newspaper in Ireland—he would not even exclude that of his hon. Friend the Member for Cork (Mr. Maguire)—which did not sometimes contain what in the eyes of a lawyer, might not be regarded as seditious. He would add that there was not a newspaper of Orange complexion in opposition to the present Government which, if he were the Law Adviser of the Castle—which he thanked God he was not—in which he could not pick out seditious matter. If that, then, were the case with the Press generally which happened to criticize the policy of the Government, the Committee were landed in the difficulty that the entire Press of Ireland would be liable to have the clause under discussion put into operation against it, and if it were put in execution only against particular portions of it, the Government would be liable to the charge of favouritism. Now, he should like to know whether the Committee were aware of the definition of sedition which was given by lawyers. When hon. Members talked of sedition they had, no doubt, a faint general notion of what the word meant; but that was not the way in which the provisions of the Bill would be interpreted. It would be interpreted by astute lawyers sitting at the elbow of his noble Friend the Lord Lieutenant of Ireland, whose duty it would be to tell him what was sedition and what was not. He should wish, under those circumstances, to be allowed to inform the Committee what the definition of sedition was which was given by one of the greatest lawyers which this country had ever produced, and which must rule the opinions of the lawyers of our own day on the question. Lord Holt, in the case of a newspaper editor who was prosecuted in the reign of Queen Anne for sedition, laid down the law on the subject. He held in his hand an extract from the article for which the person to whom he referred was prosecuted, and in dealing with which Lord Holt gave the celebrated definition of sedition which was still set out in all modern law books as defining in what sedition really consisted. John Tutchin, as the information in the case set forth, was brought to trial—

> "For that the defendant, being a seditious person, and a daily inventor and publisher of false news and horrible and false lies and seditious libels, &c. on the 12th of June, in the second year of the Queen, did write and publish, and cause to be written and published, another false, scandalous, and malicious libel, entitled *The Observator*. In which said libel (of and concerning the royal navy of the Kingdom and the government of the said navy) are (*inter alia*) contained as follows:—
>
> "'Take one time with another, the mismanagements of the navy (meaning the royal navy of this kingdom) have been a greater tax on the merchants than the duties raised by Parliament: we never had a better navy, but the wisdom of the managers thereof is like a bottomless pit, past finding out.'"

Now, he was not quite sure that the speech which had been delivered by his hon. and gallant Friend the Member for Portsmouth (Sir James Elphinstone) the other evening with respect to the Navy of the present day was not very much more like sedition than Mr. Tutchin's article. What was more, any paper, whether in England or Ireland, which happened to publish the observations which had been made by his hon. and gallant Friend on that occasion would be liable to be prosecuted for sedition. Now, what did Lord Holt say in Tutchin's case? The following was the doctrine with respect to sedition which that eminent Judge laid down, and which his hon. and learned Friend the Solicitor General for Ireland (Mr. Dowse) must undertake to apply when brought into contact with the exercise of those extraordinary powers with which the Government asked to be intrusted. Lord Holt said—

> "This is a very strange doctrine, to say it is not a libel reflecting on the Government, endeavouring to possess the people that the Government is maladministered by corrupt persons that are employed in such and such stations either in the navy or army. To say that corrupt persons are appointed to administer affairs, is certainly a reflection on the Government. If people should not be called to account for possessing the people with an ill opinion of the Government no Government can subsist; for it is very necessary for all Government that the people should have a good opinion of it, and nothing can be worse to any Government than to endeavour to procure animosities as to the management of it; this has always been looked upon as a crime, and no Government can be safe without it be punished."—[*State Trials*, xiv. 1128.]

Now, that was 160 or 170 years ago, and the law as laid down by Lord Holt was the law at the present day, and his definition was given in modern text-books as the leading authority as to what must be proved in case of an indictment for sedition. And it was only because Mr. Fox's Act, passed in the last century, allowed the jury to give a general verdict of not guilty in cases of libel, that newspapers had been protected in publishing what was now regarded as nothing more than fair criticism on the conduct of the Government of the day. Were we then, he would ask, going to destroy the safeguards of the Press which existed to meet an emergency? His right hon. Friend the Member for the University of

Oxford (Mr. G. Hardy), indeed, said that the operation of the Bill was to be limited to a year; but he (Mr. Bouverie), for one, was not disposed to give the extraordinary powers asked for to a Government even for that time. The Committee was aware that such powers once conferred might lead to the necessity of their being continued. He believed it was the fact that the law relating to the Press in France, about which there had been so much complaint, and which had only recently been amended, was much less severe than that which was now proposed. Now, the law affecting the Press in France was originally imposed shortly after the Restoration of the Bourbons, merely for a year. No doubt it would be much easier to carry on the government of Ireland if these stringent powers were granted to the Government. The latter would then have the power of silencing their adversaries. How pleasant, to be able to enforce silence on your opponents! It would be a good thing, perhaps, if they could silence their adversaries in that House. And if the Government obtained this power there would then be no opposition to their policy, no criticism of their actions, and no charge could be brought against them for abuses or maladministration. It ought to be remembered, too, that the mere publication of a false bit of news was sedition—news it might be which the publisher did not know was false at the time he made use of it; and there was probably not a paper published throughout the United Kingdom which did not every week or every day, if it was a daily newspaper, publish statements which in the eye of the law were seditious. Upon this state of the law the Government asked the Committee to hand over all newspapers in Ireland containing seditious matter, false statements, or seditious speeches, to the absolute discretion of the Irish Executive. Such a power had not only never been asked for by any Government in this country even in the most high prerogative times, but if asked for here, however trying might be the times, Parliament would never dream of granting it. He was under the impression that we were now to treat Ireland upon the footing of equal justice and equal laws, and were not to apply to the sister country, even on *primâ facie* grounds of exceptional circumstances warranting such legislation, restrictive and penal laws which we should not be willing to adopt ourselves. He would ask English or Scotch Members whether if any district represented by them were afflicted by this criminal disease, they would be willing at the request of the Government to place the whole newspaper Press of their part of the United Kingdom under the absolute control of the Executive. There was not one English or Scotch Member who would not repudiate such a notion. But, then, as they were told, the Irish Government was responsible. How responsible? He had always understood that when public officers committed a breach of the law in this country, they were personally liable to be cast in damages, and in the face of this responsibility they took care not to break the law. Unlike our neighbours in France, every policeman, every magistrate in England acted under this sense of personal liability if they exceeded their jurisdiction. But it was now proposed beforehand to enact that, however much the Lord Lieutenant and his Chief Secretary might violate the law and outrage common sense and justice, however great the loss inflicted by them upon some innocent printer, the taxpayers of the United Kingdom were to reimburse the Irish Executive and save them from harm in case proceedings were instituted against them. Surely this was to lose sight of the old-fashioned notion that public officers were responsible at their own risk for the discharge of their duty. He was sure that his right hon. Friends did not ask for this power from any desire to use it improperly; but if they had been sitting on the other side of the House and the present Opposition had proposed to take such extraordinary powers as these, we should have heard a great deal more about the violation of principles than we did now. Such, however, was the way with Governments. All of them liked power, and loved to increase it; but it was the business of the House of Commons to object when there was danger as in the present instance. It was the duty of the House of Commons to see that the Government were not endowed with powers that were inconsistent with public liberty. No doubt this liberty was often abused, and had been grossly abused in Ireland of late years; but even this abuse was preferable to the evils that might arise if the Press of the country were once put under the absolute control of the Executive Government. The right hon. Gentleman concluded by moving the omission of the words "or seditious."

MR. H. A. HERBERT said, the best justification of the Bill was that both the Liberal and the Conservative Press were anxious to put a stop to seditious publications in Ireland. He should be sorry to see the liberty of the Press in any way curtailed; but his solemn opinion was that the papers which had gone on preaching sedition and rebellion all over the country had brought Ireland very much into her present condition. In England the working men had papers of every view, and heard and read both sides of a question; but in Ireland large classes of the people only saw papers of one view, and if these papers preached sedition year after year, and agitators did their best to second this teaching, how could we expect the country to be quiet? If the people of Ireland had fair play in this respect, he believed it would be a quiet country. A Petition would shortly be presented from farmers in his own county of Kerry, thanking the Government for the measure introduced. It was true they stated objections; but these objections were put forward in reasonable language. He was glad the Government had come forward to put a stop to the further publication of sedition in these newspapers, and would support the clause as it stood.

SIR ROUNDELL PALMER said, he would give his reasons very briefly for differing from the sentiments of the right hon. Gentleman who had just spoken. It was mere matter of opinion whether, if the circumstances were similar in England and Scotland to what they were in Ireland, the House of Commons would assent to similar legislation. His right hon. Friend said the House would not; but similar circumstances had never been known in England or Scotland within our own time, or for many years beyond it. We had never had newspapers openly and habitually preaching and teaching rebellion and sedition, and inciting to crime. We had not had the same class of newspapers at all, or the same class of crime, or the exceptional circumstances which rendered this exceptional and extraordinary legislation necessary in Ireland; and he owned it was a surprise to him that his right hon. Friend (Mr. Bouverie), who concurred with the majority of the House in thinking it necessary with regard to the land of Ireland to interfere with freedom of contract, and legislate between landlord and tenant in a manner unheard of in England, should oppose not a power which the Government wanted for their own purposes, but a power asked for in order to secure the peaceable and loyal subjects of the Crown, owners and occupiers of property, landlords and tenants, in the quiet enjoyment of the rights which the House was now proposing to regulate. Talk of security of property and security of tenure, and at the same time allow incentives to violence and crime, treason and insurrection to go broadcast over the land! It seemed unintelligible to him that a man of the authority and wisdom of his right hon. Friend should talk as though we were dealing in Ireland with a state of things of which we had any experience whatever in England or Scotland. As far as his (Sir Roundell Palmer's) individual judgment went, he fully believed that if such a state of things unhappily existed in any county of England or Scotland, and newspapers were published there inciting the people to violence, sedition, insurrection, and treason, and doing this unblushingly and openly, Parliament would almost unanimously agree to give such powers as these to the Executive. Now, what would be the effect of omitting from the clause the words "or seditious?" The clause would be rendered useless. These words bridged over the whole of the middle ground lying between that which was technically treason—a high class of crime well known to the law—and the lower category of offence known as inciting to felony. The whole mischief might, and probably would be done upon that middle ground, and the Committee might as well put the Bill into the fire as adopt the Amendment. And then his right hon. Friend attempted to justify the Amendment by quoting a great authority, Lord Holt, whose language, as far as it expressed a principle, might be, and was, referred to by lawyers of this day; but who was quoted by his right hon. Friend not for the principle of the law, but for the manner in which two centuries ago, that principle was applied in a political case. His right hon. Friend referred to the case of Tutchin, and actually spoke as if a man of his intelligence believed at this day that every newspaper, both in England and Ireland, was, in the eye of the law, guilty of sedition on each day of publication. He agreed that the suggestion of the possibility of corruption would be a gross libel either on an individual or, it might be, on a Government, if there were no grounds for it; but, if there were, it would be no libel or sedition at all; and the right hon. Gentleman spoke as if he thought that criticism of the Admiralty, or of the War Department, or of any other Department of the Government, in a free manner, to the extent of saying that there was maladministration—he spoke as if he thought that the facts of the case of Tutchin would, at this time of day, necessarily amount to sedition in a newspaper. This he denied; and, on the contrary, he affirmed that free criticism of the acts of the administration was not a liberty beyond the law which the Press enjoyed by the connivance of juries, but it was their lawful right, and the palladium of all our liberties. But that was something wholly different from sedition. Lord Holt was a high authority in his day; but there was at least as great an authority, Lord Hale, who in his *Pleas of the Crown*, referred upon this subject to the case of another great man, an ornament to that House in former days, who was one of the greatest defenders of our liberties, and who himself was a sufferer from a charge of sedition. In 1629 Selden was arrested under a warrant of the Privy Council, which charged him and others with sedition; he was bailed by the Judges. A question arose whether it was a bailable offence; it was argued on the part of the Crown that sedition was a particular form of treason; and the argument of Selden, on that occasion, contained more true and accurate bearing on the subject of sedition, than could perhaps anywhere else be found. Selden, suffering from the abuse of the Royal prerogative, and inquiring what sedition was, said—

> "The use of the word 'sedition,' and the sense of it in our language, and in our laws, that received it out of that language, is to be examined. Out of which it will be easily concluded that the offence, as it is expressed in the return, although it be a great one, yet is only a trespass, and punishable by fine only, or imprisonment, or both of them."
>
> "In Latin, that which is mutiny, raising of tumult, assembling of any armed power, or conventicles,"

—not conventicles in the ecclesiastical sense—

> "or the like, is sedition. Whence it is that, in the civil law, *seditio et tumultus* are frequently joined; and *concitatores seditionis* and *actores seditionis* occur in the text of that law for such as stir up sedition. . . . . . . In the selfsame sense the word was received into our language,"—[*State Trials*, iii. 268.]

He cited a number of Acts of Parliament in which the word was used, and concluded thus—

> "It will be most plain that in all these places (except those old books of Bracton, Glanville, and Hengham, the interpretation of whom hath fittest place after the examination of the objections made to prove sedition to be treason), the words 'sedition' and 'seditious' denoted in our language, and in the use of our laws, that received them thence, such an offence as was not punishable (without some special provision by Act of Parliament) otherwise than by fine and imprisonment at the utmost; and were reputed, singly, but as words or names designing tumults, unlawful assemblies, routs, factions, or rebellions, against any part of the established laws or public commands."—[*Ibid.* 269.]

He ventured to say that this was just as true a definition of the legal meaning of the word "sedition" as any which could be found in any of our books, and, in this sense, we might depend upon it, any jury would be directed by a Judge; and if a Government, on the ground of sedition, exercised this power against any newspaper for honest, *bonâ fide* criticism of the acts of the Administration, for the honest *bonâ fide* expression of any kind of critical opinion, there could be no doubt whatever that, under the direction of any Judge, any jury would give a verdict in favour of those who were sufferers by the exercise of the power; but if it were, indeed, an incitement to tumults, unlawful assemblies, or rebellions against the law, or to a practical and dangerous contempt of the law, then, and only then, it would be the duty of the Judge to direct the jury, and the duty of the jury to find, under the direction of the Judge, that the power of the Government had been rightfully exercised. It seemed to him that there was every conceivable safeguard against the abuse of this power, because it would be vested only in the highest executive authority of the Government, upon whom the eyes of the whole Empire were fixed, and any abuse of it would be looked upon with the utmost jealousy by this House, and would be visited with damages by a jury. When the right hon. Gentleman said we were invading the Constitution by taking responsibility from the individual officers of the Government and throwing it upon the nation at large, he forgot that the Act would necessarily throw upon the nation at large the responsibility of having authorized the Executive Government to exercise a discretion in this matter. It was only when an Act of Parliament gave no such discretion that the individual ought to be held responsible; and if they, in the public interest of Ireland, in the interest of the loyal members of the population of Ireland, whom they believed to be an enormous majority, gave this power and this discretion, it would be irrational and absurd to throw the responsibility on any officer by whom it might, in good faith, be exercised. It was plain they ought to take, as they did propose to take, that responsibility upon themselves. But he had no doubt that the practical effect of this legislation would be prevention, not punishment. Grant these powers, and sedition would hide its head. The moment it was known the Executive Government was armed with effective means of prevention, the necessity for the use of those means would disappear. He hoped the Committee would decide this question with reference rather to the spirit than the letter of the Constitution; that they would bear in mind the great duty of protecting the people, of preventing crime, and of preventing incitement to crime, and not shrink from enabling the Government adequately to discharge that duty.

Dr. BALL said, he should support the clause as it stood, because if the word "sedition" were left out, the clause would become totally useless and incapable of being enforced. The boundaries between treason and sedition in writing were very indistinct, and any lawyer would hesitate to advise the Government to seize a paper, because of the doubt as to whether his opinion would be afterwards supported by the jury. The mode of defence adopted when any question of the kind arose would be, the counsel for the prisoner would say to the jury—I grant that this is sedition, and a near approach to treason, but I ask you to find that it does not overstep the boundary. He remembered a prosecution for seditious writing, which was defended on the ground that it should have been considered treasonable, and, therefore, the man ought to have been hanged instead of being prosecuted for sedition.

Mr. W. M. TORRENS said, he was sorry to differ from the hon. and learned Gentleman (Sir Roundell Palmer); but he believed it was a notorious fact that there were hundreds of seditious publications in circulation in the large towns of England; if we destroyed the printing presses of sedition on the other side of the Channel, means would be found to establish them on this side; and as long as there was a market there would be a supply. He had voted for the clause, strong and exceptional as it was, regarding summary measures against treason; because treason was a definable, intelligible, and unmistakable offence, which it was difficult to conceive the editor of a newspaper committing, without being conscious and, therefore, responsible for what he did. But it was wholly otherwise respecting sedition. Nobody could be sure, nobody could ascertain, nobody could get a lawyer of eminence to say distinctly what was and what was not sedition. The dictum of Lord Holt had been quoted by his right hon. Friend the Member for Kilmarnock, as a warning to the House how it created exceptional powers of punishment for the infraction of this undefinable offence. And what was the answer which had been given by the hon. and learned Member for Richmond? Instead of attempting to show that modern decisions or statutes had qualified or narrowed the criminal interpretation of the term sedition, they were asked to go up the stream of time, some half-century, and to rely on the pleadings of Selden, at a period when, as yet, constitutional freedom was not, and before any of the guarantees for political or judicial liberty had been achieved, on which, in this country, they laid so much store. But he (Mr. Torrens) would not ask them to go beyond the limit of their own recollections. He wished the House could stop these sources of mischief; but it could not do so without extending this measure to England and Scotland; and he supposed that no one contemplated the possibility of doing that. Within the memory of many who then heard him, two Members of that House, both of them men of mark and note, and both of them men to whom, for their public services, the highest meed of praise had been nationally given in their lifetime and since their death; both had engaged in political agitation about the same time, to bring about the change of existing laws; and both had rendered themselves thereby objects of fear and aversion to the Minister of the day. Who was the Minister, and who were the individuals to whom he referred? The Minister was no other than Sir Robert Peel; and the distinguished individuals who excited his distrust and reprehension, by their use of demagogic arts, were Mr. Cobden and Mr. O'Connell. Sir Robert Peel, and certain of his Colleagues who shared his confidence, took the advice of counsel, early in 1843, as to whether the leader of the Anti-Corn Law League might not be prosecuted for sedition; and it was within his (Mr. Torrens') personal knowledge that Mr. Cobden having obtained some inkling of the matter, desired to have the advice of friends well acquainted with the law, as to what constituted, and what did not constitute, sedition? It would be nothing to the purpose to say that the design went no further. The fact that a man so circumspect and wise as Sir Robert Peel should have harboured any doubt of the criminality of a man so pure and gentle as Richard Cobden—where political excitement severed them in opinion—sufficiently proved his case. But what happened in the very same year on the other side of the Channel? For breaking the law of what is called sedition, Mr. O'Connell and seven of his friends were brought to trial before the Court of Queen's Bench, and, after protracted inquiry, he and they were found guilty and condemned to a long term of imprisonment. An appeal was brought, not on the facts, which were admitted, but upon the law of sedition, which was disputed, to the House of Lords; and by that supreme tribunal the legal version of sedition in the court below was set aside; judgment was reversed; and the man whom millions of his countrymen justly regarded with gratitude and honour, as their liberator from sectarian disabilities, was released from the gaol in which he had been incarcerated wrongfully by a mistaken reading of the law. Would they disregard such examples; or run the risk of making such deplorable mistakes again? The time was strangely unfitting for the perpetration of such blunders. While other nations, comparatively new to liberty, were learning, by courageous experiment, that order and law might be maintained without a censorship of the Press, it was painful to think that a British Parliament should be invited to revert to arbitrary devices and oppressive powers. Was England to be asked to put on the cast-off clothes of French despotism? What else could be said throughout Christendom, if this summary mode of dealing with seditious journalism were to obtain the force of law? Now, he had a great deal of sympathy, concern, and care with those on this side of the Channel, who had suffered from the disaffection that prevailed in Ireland, and he would not be prevented from giving his support to any Bill, however severe, that he thought would be likely to succeed in putting down agrarian crimes. But he did not believe that this Bill would be successful, and the Government would believe it in twelve months. He remembered that, on one occasion, the Prime Minister and himself divided against a Bill supported by an overwhelming majority in that House—namely, the Ecclesiastical Titles Bill—he told the Minister of the day that it would prove an abortive attempt, and that the enactment would be trampled in the dust. Well, the result had been that the repeal of that Act, which no Government ever enforced, and for voting against which he sacrificed his seat, was now about to be repealed. But he warned them that this enactment would be as abortive as the Ecclesiastical Titles Bill had proved. It would be evaded, defeated, and set at naught, and, at length, it would have to be abandoned with humiliation.

MR. NEWDEGATE observed, that the First Lord of the Treasury had stated that it was impossible to incorporate in this Bill a provision for suspending the Habeas Corpus Act, as it had been incorporated in the Act of 1833, because there was no case of treason or sedition to which it might apply; and yet the clause they were now debating was for the prevention of treason and sedition. He agreed with the right hon. Member for Kilmarnock (Mr. Bouverie) that the House ought to be very careful in agreeing to this novel species of a Coercion Bill; for they were called on to adopt something more than the cast-off clothes of the French Emperor, and yet the enactment, in his opinion, would be perfectly inefficacious. The hon. and learned Member for Richmond (Sir Roundell Palmer) said—"Pass these provisions and sedition will hide its head." So he thought; but it was also his belief that there was much greater danger from secret conspiracy than from those open manifestations against which the clause was directed; and if the House would adopt efficient means for the security of life and property in Ireland, such as the suspension of the Habeas Corpus Act, it would be better to allow the incitements to rebellion to come to the knowledge of the Government by means of seditious papers, unless it was to be presumed that the circumstances of Ireland were so peculiar that those who were loyal could not produce papers or make manifestations to meet the seditious publications. Was it not true that the Liberal party had endeavoured to crush what was termed the unseemly loyalty of the Orangemen? Was he not himself a witness to the continual discouragement offered to anything like old-fashioned loyalty in Ireland, and were they not aware that the mention of King William's name in that country had been decried? He looked upon the adoption in this clause of a foreign principle with apprehension, and he objected to the departure from the usual course of law, which was found advantageous in England and Scotland, where the feelings of loyalty were fostered and not repressed as in Ireland. It seemed that the legislation entered on pointed to the conclusion that Ireland was not to be treated as a free country, and in case Ireland was not fit to be governed on the same principles as England and Scotland she was not fit to be united with them. He objected to this Bill as an attempt to arm the Government with an arbitrary power of dealing with sedition. He was willing to give them every possible facility for dealing with treason; but sedition being so very elastic a term he felt himself called upon to vote against the Bill.

Mr. M'MAHON said, that there existed in Ireland ample means to punish treasonable and seditious publications, and therefore the argument of the hon. and learned Member for Richmond (Sir Roundell Palmer) was inapplicable to the question whether or not power should be given for taking possession, without trial, of printing materials which might be suspected of being used for seditious purposes. He defied the Law Officers of the Crown to give any definition of sedition less extensive than that of his right hon. Friend the Member for Kilmarnock (Mr. Bouverie). Selden had been committed for seditious conduct as a Member of Parliament, and his argument went to show that he could not be committed by the Star Chamber for his conduct in that House. But what did the ordinary text-book, Archbold's *Criminal Law*, say, quoting Lord Ellenborough, in the case of Mr. Cobbett? Why this—that,

> "If a publication be calculated to alienate the affections of the people by bringing the Government into disesteem, whether by ridicule or obloquy, the writer is punishable, and the publication, if calculated to have that effect, is a seditious libel."

It would, therefore, entirely depend on the judgment of the Law Officers of the Crown in Ireland whether any publication should be seized and the property connected with it confiscated, and that after the confiscation the only redress for the unfortunate proprietor would be to bring the issue before the jury, who must decide whether the paper did not contain seditious matter. This was a power which no previous Government had ever sought to exercise; it was an unnecessary power, because, under an existing law, if a person published anything like treason or treason-felony, the Government could seize the type and press of the offender.

Mr. MOORE moved that the Chairman report Progress.

Mr. GLADSTONE said, he hoped the hon. Gentleman would feel that this question had been ably—he might say fully—discussed on both sides. He did not speak of the whole of the Press clauses, but of that particular portion of them they had already considered. It would certainly be a great loss of time if they were now called on to divide on the question that the Chairman should report Progress. At the same time, he should not press the Committee to go on to any unreasonable hour; but after the division on the Motion of his right hon. Friend the Member for Kilmarnock, he thought they ought to report Progress. But with the views which the Government took of the necessity and public policy of proceeding with promptitude, he felt that it would be their duty to propose that the House should be good enough to meet to-morrow, at two o'clock, in order to proceed with the Bill. He hoped those Gentlemen having Motions on Supply would consent to give way.

MR. BOUVERIE said, he hoped the hon. Member for Mayo (Mr. Moore) would not divide. If he wished to address the Committee, no doubt the Committee would hear him now; if not, as the same word "sedition" occurred again almost immediately after in the clause, another opportunity would occur for stating his views.

SIR JOHN GRAY expressed regret that no opinion had yet been expressed on the part of the Government in reference to the charter-toast of "Freedom to the Press," and hoped that the discussion might be continued on this question, which was one of the most vital that had been raised in the consideration of the measure, especially as there were many hon. Members representing Irish constituencies who were desirous to address the House on the subject.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Moore.*)

The Committee *divided:* — Ayes 19; Noes 265: Majority 246.

MR. BRYAN moved that the Chairman should leave the Chair.

MR. R. N. FOWLER said, he wished, as an English Member, to say a few words respecting the state of business. Nearly the whole of the Session had been taken up with Irish matters, and he thought English Members had a right to complain that, after the Bill before the House had been ably debated by the right hon. Member for Kilmarnock (Mr. Bouverie), on the one hand, and the hon. and learned Member for Richmond (Sir Roundell Palmer) on the other, and when the House was ready for a division, the whole business of the House was thrown back by a Motion to report Progress. He could not but contrast this conduct with the course pursued last Session by the Opposition, who, when a measure was before the House in which their feelings were deeply interested, did not offer anything but a fair, an open, and a candid opposition. He asked the House whether the opposition to this Bill had been of that character? An hon. Gentleman opposite said the majority must listen to the minority. He appealed to the House whether the majority had not listened to the minority with exemplary patience? He hoped the Government would resist the Motion, and press on the Bill. It was evidently the feeling of the House that time should not be frittered away by Motions for adjournment.

MR. GLADSTONE: Sir, I was hoping to have seen a disposition to withdraw this Motion. It is my own feeling, and I think it is the general sense of the House, that the power by the minority of intercepting the clear and manifest will of the immense majority of this Assembly, is a power that has been conceded for the purpose of preventing gross injustice, and meeting a case which is essentially exceptional; but if it were used in an unreasonable and inconsiderate way, it would become absolutely intolerable. Of course, we must all form our own opinion of the propriety and fitness of using it on any occasion; but it certainly is true that this is a question which has been very ably debated. It is a question which in itself is not of very great breadth, and it is one on which the Members of the Government are quite content to remain silent; because though, under general rules, it would have been the duty of some of them to address the House, we are perfectly content with the manner in which the question was left by my hon. and learned Friend the Member for Richmond and the right hon. and learned Member for the University of Dublin. When the House has devoted itself to a great Irish purpose as its first and exclusive object; when everything has been made to yield to that object; when not only English interests, but also the interests of the Empire at large, all questions of foreign policy, all discussions on colonial matters, all questions which individual Members are anxious to bring before the House, have been postponed; and when I, on the part of the Government, have put everything in the way in order that Irish affairs might progress, with a view to what we think a great act of remedial legislation, it seems a little hard that, when an extreme necessity has compelled us at the last moment—but we think the proper moment—to bring in a Bill of this nature, this method of opposition should be resorted to. I am afraid it would be very presumptuous of me to hope that any attempt at persuasion on my part would have any effect; but I cannot help registering my emphatic protest against departing from what I believe to be the fixed custom of the vast majority of this House, and I am perfectly convinced we shall be supported by opinion out-of-doors. I wish to give a distinct intimation that there is not the least intention or desire on the part of the Government to force the Committee forward during the present evening; but we shall take the opportunity of asking the House to have a Morning Sitting, which I think would be the most convenient opportunity for discussing the remaining clauses of the Bill. It would be idle to inflict punishment on ourselves without having an immediate object in view. [*Cries of* "Go on."] I am well aware of what is the issue of a conflict of this kind when once hon. Members are wound up. I therefore once more invite the hon. Member to listen, to yield to the arguments which have been adduced by the hon. Member opposite, and to withdraw his Motion.

Mr. MOORE recollected an occasion on which the right hon. Gentleman had been one of a small minority which had kept up this sort of contest for not one night, but for weeks.

Mr. GLADSTONE: I do not think the hon. Member can quote a single instance of the kind to which I was a party.

Mr. MOORE said, that it was in the year 1850, upon the Ecclesiastical Titles Bill, that twenty, thirty, or forty Motions of this kind had been made.

Mr. M'CARTHY DOWNING, as an Irish representative, disclaimed any intention to keep up a factious opposition. They were to meet at two o'clock, and they desired to have some rest to enable them to arrest, if possible, the further progress of the measure.

Mr. BRYAN said, he would withdraw his Motion.

Sir JOHN GRAY moved that the Chairman report Progress.

Motion *agreed to*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, 25th March, 1870.

MINUTES.]—Public Bills—*Second Reading*—Mutiny *; Marine Mutiny *.
Third Reading—Coinage * (45), and *passed*.
Royal Assent—(£9,564,191 7*s*. 2*d*.) Consolidated Fund [33 *Vict*. c. 5]; Income Tax Assessment and Inland Revenue Law Amendment [33 *Vict*. c. 4]; Provisional Orders Bills (Committees) [33 *Vict*. c. 1]; Dissolved Districts and Unions [33 *Vict*. c. 2]; Judges Jurisdiction [33 *Vict*. c. 6]; East India (Laws and Regulations) [33 *Vict*. c. 3].

INNS OF COURT (IRELAND).

PETITION.

Lord CHELMSFORD *presented* a petition from the Society of Attorneys and Solicitors in Ireland, incorporated by Royal charter, complaining of certain fees exacted by the Benchers of the King's Inn, Dublin, and praying for redress. The Petitioners represented that before 1866 every attorney and solicitor in Ireland was a member of the Society of the King's Inns in Dublin, and the Benchers of that society exercised control over both branches of the profession. In 1793 they were empowered to impose a fee of £11 7*s*. 6*d*., which was called a deposit for chambers, upon the admission of every attorney and solicitor; and of the sum of £92,000, to which the funds of the Benchers had increased down to the year 1866, no less than £53,000 had been derived from these fees. In 1859 the Benchers had received £46,000 from that source, and it appeared that £30,000 of it was applied to the building of a library, chambers, and lecture-rooms for the use of the profession. When the Act of 1866 established the attorneys and solicitors as a separate society, they applied to the Benchers to transfer to them the buildings which had been erected for their accommodation, and to give them a return of the money which remained. The Benchers peremptorily refused to do this, and declined to receive a deputation from the society to consider the matter. Eminent counsel had decided that their claim was a valid one; but the difficulty which they experienced was as to the mode of redress, because, from the fact of every Judge in Ireland being a Bencher, they could not institute a suit in a court the presiding Judge of which would practically be a defendant. Under these circumstances, they had asked him to bring the matter before their Lordships' House, and he intended early next week to refer to it more fully, and to introduce a Motion which, he hoped, would have the effect desired by the Petitioners.

Petition to lie on the Table.

NEW PALACE OF WESTMINSTER.

MOTION FOR CORRESPONDENCE.

THE EARL OF DEVON, in the absence of the noble Earl (the Earl of Carnarvon), moved for Copy of Correspondence between the First Commissioner of Works and Mr. Edward Barry, during the present year, respecting his duties as architect to the New Palace of Westminster. He understood there was no objection to its production.

Motion *agreed to*.

House adjourned at Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 25*th March*, 1870.

MINUTES.]—NEW WRIT ISSUED—*For* Newark, *v.* Edward Denison, esquire, deceased.
Select Committee—Burials * [8], *nominated.*
Committee — Report — Peace Preservation (Ireland) * [75-88]; Customs (Isle of Man) * [84]; Churchwardens Eligibility * [87].

The House met at Two of the clock.

WIMBLEDON COMMON.—QUESTION.

SIR CHARLES W. DILKE said, he wished to ask the Secretary to the Treasury, Whether it is the intention of the Commissioners of Woods, Forests, and Land Revenues to sell to Lord Spencer the rights which the Crown enjoys over the commons within the manor of Wimbledon, in respect of an enfranchised copyhold farm of 40 acres, which rights are at present the chief obstacle to the proposed conversion of 140 acres of Wimbledon Common into a sewage farm?

MR. STANSFELD replied, that Lord Spencer had made no application to the Commissioners of Woods in reference to these rights, and therefore they had had no occasion to consider the subject.

RUGBY SCHOOL.—QUESTION.

SIR STAFFORD NORTHCOTE said, he would beg to ask the right hon. Member for Cambridgeshire, Whether he will consent to defer the Motion of which he has given notice, so as to allow the Public Schools Commissioners an opportunity of more fully considering the objections which have been taken to the statute with regard to the governing body of Rugby before they are discussed in this House? He was afraid discussion of the subject at present would not be advantageous to the school; he was assured the right hon. Gentleman would not be without an opportunity of bringing forward his Motion, and he believed delay would result in a reconsideration of the matter by the Public Schools Commissioners?

MR. BRAND said, in reply, that he would be quite willing to comply with the suggestion of his right hon. Friend, provided he had an assurance from his right hon. Friend at the head of the Government, or his right hon. Friend the Vice President of the Committee of Council, that an opportunity would be afforded him of bringing forward his Motion in case the Public Schools Commissioners should not arrive at a satisfactory settlement.

MR. W. E. FORSTER said, in the absence of his right hon. Friend the First Lord of the Treasury, he could assure the right hon. Member for Cambridgeshire that full opportunity would be given to him to bring on his Motion, provided he thought it necessary to do so, either in consequence of the Public Schools Commissioners not reconsidering the matter or not arriving at a result satisfactory to him. He could also assure his right hon. Friend that the approval of the Privy Council should not be signified to the proposals of the Commission until his right hon. Friend and Parliament had an opportunity of expressing an opinion on the matter.

MR. BRAND said, in that case he would not press his Motion that evening.

INDUSTRIAL SCHOOL, GLASGOW—CASE OF ALEXANDER GILLESPIE.

QUESTION.

Mr. GRAHAM said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the case of Alexander Gillespie, a boy of ten years of age, who has been committed as a vagrant to the Rottenrow Industrial School, Glasgow, although innocent of any crime, and being at the time resident in the home of his parents; whether it has been brought to his notice that such committal took place summarily, and without his parents being even aware that the child was in the hands of the police; and, whether he will not, under the circumstances, exercise the power conferred upon him by the Industrial Schools Act, and order the restoration of the boy to his parents, who, although in humble circumstances, are respectable persons, and able and willing to maintain and educate him?

Mr. BRUCE, in reply, said, his hon. Friend had been misinformed as to the facts of the case to which he called attention. Inasmuch as a great deal of intemperate correspondence had taken place on the subject, he would be too happy to avail himself of the opportunity of explaining what the real facts were. On the 9th of November last two boys were apprehended on a charge of robbery, one of them being Gillespie, who was ten years of age. They were taken, first of all, to the police station, and, having ascertained their parentage, the officer called upon Gillespie's father, a most respectable man, and informed him of the nature of the charge, and intimated that the case would be brought on at the court on the following morning. The boy was taken home in the meantime; and a similar notice was given to the mother. The father said he was sorry to hear of the charge, and that the boy's brother had received five years' penal servitude for having committed a similar offence. Neither father nor mother attended at the police court next morning, when the boy pleaded "Guilty," and the magistrates, wisely exercising their discretion, instead of proceeding to a conviction, acted under the 15th section of the Industrial Schools Act, and sent the lad to an Industrial School, where he has been ever since. A communication had, however, been made to Gillespie's father, informing him that if he chose to appeal to the magistrates, they might exercise the power they possessed of making an order for the boy's release from the school, and his restoration to his parents, if the magistrates were satisfied such a proceeding would be for the boy's welfare.

PARLIAMENT — PALACE OF WESTMINSTER—THE CENTRAL HALL.

QUESTION.

Colonel SYKES said, he wished to ask the First Commissioner of Works, Whether the Government has ordered more mosaic pictures for the Central Hall; whether they are in that advanced state of completion that one or more may or will be put into position during the Easter Recess; and, whether ,if so placed, care will be taken to throw sufficient light upon them to enable Members of Parliament and the Public to appreciate their design and execution? He wished to observe that the mosaic by Salviati was in such a position of obscurity as to be quite worthless; indeed, a policeman had expressed an opinion to him that the animal in the picture looked like a pig.

Mr. AYRTON, in reply, said, the minds of hon. Members had been much exercised on the subject of decorations in the Houses of Parliament; there were many who thought them extremely beautiful, and others who thought them the exact opposite, according to their taste. The Government, therefore, thought the work should not be pressed forward and further expenditure incurred until they were in a position to come to a satisfactory conclusion on the matter, or until the House had had an opportunity of expressing its views on the works in progress. Mr. Poynter, who had made the design at present fixed, had been directed to prepare four other corresponding designs, and was at work upon them. The design was one thing, and the mode of displaying the designs another. The question of light in the Central Hall involved points of considerable importance—among them the maintenance or removal of windows which were in themselves works of art, and altogether the question was one which should not be dealt with hastily.

PEACE PRESERVATION (IRELAND) BILL—[Bill 75.]

(*Mr. Chichester Fortescue, Mr. Secretary Bruce, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 24th March.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 27 (Newspapers containing treasonable or seditious matters, &c., forfeited to Her Majesty).

Mr. MOORE said, he believed a few words would not be wasted upon a little incident that occurred last night in connection with the question of adjournment. He invited the reconsideration of the House and of the First Lord of the Treasury to that appeal from the heat, passion, and prejudice of the small hours to that spirit of fair play to which the weaker party seldom appealed in vain in this country. Now, what were the facts of the case? A Bill had been introduced into the House to suspend the Constitution of Ireland, to invest an unpopular tribunal with almost unlimited inquisitorial powers, and to place the liberty of the Press at the mercy of personal government. This had been opposed by a small minority; but small in numbers as that minority was, it represented, he believed in his conscience, the majority of the people of Ireland, and millions of men on the other side of the Atlantic not responsible to public opinion here, and whose opinion it would be inconsiderate, if not dangerous, to despise. Notwithstanding this, what opposition did the minority give to the Bill? It was read a first time with scarcely a protest; it was read a second time certainly without any tedious or factious opposition. Yesterday they went into Committee on the Bill, and from four o'clock until midnight he had remained in the House without going out even to dine; and he believed he should be supported in saying that he had not occupied the Committee by any lengthy observations, and had merely thrown out what he deemed urgent suggestions. The Irish Members had absolutely been occupied in assisting the Government to bring the machinery of this little Bill into something like working order. Between nine and ten o'clock a discussion commenced on that part of the Bill to which they entertained the gravest objection, and after three hours' discussion the Irish Members asked for an adjournment; whereupon the hon. Member for Falmouth (Mr. R. N. Fowler), assuming for the first time that position to which he had probably been recently elected of Leader of the Opposition, or being ambitious to fill a post to which he was so pre-eminently entitled, called upon the First Minister of the Crown in the name of the Opposition, in the name of the House, and in the name of the public opinion of England, to assume to be dictator of both sides of the House, and to speak and act as no Minister had ever done before. He (Mr. Moore) confessed he thought the right hon. Gentleman responded to that appeal in a spirit worthy of the despotism he had been called upon to assume. He ventured to remind the right hon. Gentleman of the discussions on the Ecclesiastical Titles Bill, when, day after day, week after week, he might almost say month after month, the opponents of that measure moved adjournments. The right hon. Gentleman replied, and in one sense truly, that to those adjournments he had not personally been a party. He did not mean to imply that the right hon. Gentleman had, but merely intended to point out that he was one of a small minority who resorted to that mode of action; and he would say, moreover, that the right hon. Gentleman did actively assist and encourage the minority in carrying out that system. In the course of those protracted proceedings did the right hon. Gentleman make any remonstrance in regard to the course of action which was adopted? Instead, however, of meaning to taunt the right hon. Gentleman for the course he then pursued, he believed that among all his Parliamentary successes the right hon. Gentleman had never done a greater service to religious liberty, to public justice, and to common sense than he performed on that occasion. At that time Lord John Russell, like Lot's wife, turned his back on the straightforward road of Liberal statesmanship, and his figure might be seen even to this day. He would now proceed to the discussion of the Bill, because he maintained that this clause was, in fact, the Bill. All the rest of the measure was mere pretence. Before the Government—in proposing a Bill for the protection of life, and "especially of property," in Ireland, as the Chief Secretary remarked—undertook to include in it another Bill for gagging the Press, they ought to have proved that the Press which they intended to gag was in collusion with the illegal combinations which it was the object of the Bill to repress. His hon. Friend the Solicitor General for Ireland ought to have done that, for there was no man more capable than he of proving what existed, or of making it appear that something existed. But the hon. Gentleman, after searching through the files of the national journals, was unable to adduce a single passage from an original article in any one of them to support his argument. A letter from John Mitchel was read to the House, but his hon. and learned Friend must have known that Mitchel, who was one of the best of haters in the world, hated the Fenians more deeply, and expressed his opinion of them in stronger terms, than any Member of that House. Indeed, there was no one in that House who could express his dislike of Fenians in language half so powerful as was used by that rancorous rhetorician. No proof whatever had been given by the Solicitor General that the national Press was in collusion either with agrarian outrage or sedition; but notwithstanding that want of proof some hon. Members had indulged in coarse and unseemly language which was unworthy of the House and of their honourable character. Whatever the national Press might be, it represented the opinions of millions of intelligent and brave men, and the opinions of such men would find a voice in spite of any legislation. Now, he denied the fairness of assuming that the national Press in Ireland represented the opinions of the Fenians; but, at the same time, he must say that between the Fenians themselves and the vagabond associations with which this measure proposed to deal there was no connection, collusion, or sympathy whatever. Of course, he was now speaking of the Fenians as a body, as there might be some Ribbonmen who professed to be Fenians, who in reality were not, as all the world over it was customary for bandits to profess that they were members of some political association. But, between the opinions and objects of the Fenians as a body and the opinions and objects of such men there was nothing in common. Let the House judge of the intentions and motives of the Fenians by their acts. In the whole course of those abortive attempts at insurrection, which all hon. Gentlemen must well remember, did they stain by any outrage on life or property any ephemeral success which the fortune of war placed in their hands? On the contrary, *The Times* expressly declared that they showed mercy when it was scarcely expected from them; and it was well known that many were subsequently convicted on the testimony of men who had been prisoners in their hands, and whom, if they had been assassins, they would have assassinated. The Nationalists, whether Fenians, non-Fenians, or anti-Fenians, while wishing to change the form of government under which they lived, did not desire to abrogate all law; they desired not to drive the gentry of Ireland from their native land, but to recall them to a sense of the rights and duties of property; and they had no wish to foster that internecine animosity between Catholics and Protestants which other parties endeavoured to encourage. On the contrary, they wanted to unite the Orange and the Green in their hearts and on their banner. While these men, whether Protestant or Catholic, held fast to the faith for which their forefathers fought they pined for the day when Irishmen of all religious persuasions might unite for the defence and service of their common country in the spirit of that Christianity which they all professed. Such of these men as were Catholics, while they held fast to the spiritual teaching of their Church held fast also to the traditional teaching of that great political leader whose heart was buried at Rome, and who said—

> "I here protest against his Holiness the Pope having anything to say directly or indirectly with regard to our political rights, and his interfering either directly or indirectly in our political struggles."

Those were the words of O'Connell. Those men adhering to his teaching, while they were resolved to hold immaculate that faith which they had inherited from their fathers, would also hold fast to that spirit of resistance to foreign domination which had characterized those who had gone before them, and to the domination of the red above the green in the cardinal's hat as well as in the case of the British uniform. He denied, therefore, in the name of the Nationalists of Ireland, that there was any connection between them and the Fenians or the perpetrators of agrarian outrage. Believing that the national Press of Ireland only represented the opinions of the people of Ireland and of Irishmen who lived in America, he protested against any attempt to associate their name with those of robbers and murderers—an association dishonourable to them and which would prove fatal to the public peace, by investing such men with a political respect to which they were not entitled.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he thought his hon. Friend (Mr. Moore) had wandered away from the question before the Committee. The simple question before them was, whether the word "seditious" should or should not be struck out of the 27th clause. The Committee were not now discussing whether the word "treasonable" should also be omitted; that question had been disposed of last evening. It was quite clear that it was proposed by the Bill to confer great powers on the Government, which he hoped they would never exercise except under the pressure of necessity; but if the word "seditious" were left out, the benefit of the clause would be altogether lost. Indeed, so strong was his opinion upon that point, that he would prefer having the word "treasonable" omitted instead. The difficulty of defining "sedition" had been spoken of. His right hon. Friend the Member for Kilmarnock (Mr. Bouverie) had last evening quoted the definition which was given of the word by a distinguished Judge; but there was, in reality, no difficulty in ascertaining what it meant. Various Irish Acts of Parliament, such as 16 *Geo.* III. and 50 *Geo.* III., which created an offence, which was the administration of an oath to form a society for a seditious purpose, dealt with the subject. In 16 *Geo.* III. was found the phrase "seditious libel," and in 33 *Geo.* III., "factious and seditious persons," and the word might be traced through many other Acts. It was quite clear, therefore, that "sedition" was recognized by the Legislature as a well-known word in the law. Again, he found that in 1868 the present Justice Fitzgerald, who was distinguished by his eminent judicial qualities, in charging the grand jury in the case of "The Queen *v.* Pigott," used the following words:—

> "Gentlemen, as such prosecutions are unusual, I think it necessary that I should define sedition, and point out what may be a seditious libel. Sedition is a crime against society nearly allied to treason, and it too frequently precedes it only by a short interval. It is a comprehensive term and embraces all those practices, whether by word, or deed, or writing, which are calculated and intended to disturb the tranquillity of the State, and lead the Queen's subjects to resist or subvert the established Government of the Empire. Its objects are to create commotion, and to introduce discontent and disaffection, to stir up opposition to the laws and Government, and to bring the administration of justice into contempt, and its natural and ultimate tendency is to excite the people to insurrection and rebellion. The distance is never great between contempt for the laws and open violation of them. Sedition has been aptly described as 'disloyalty in action,' and the law treats as seditious all those practices which have for their object to excite discontent or disaffection—to create public disturbance or lead to civil war; to bring into hatred or contempt the Sovereign or the Government, the laws or Constitution of the realm, and generally all endeavours to promote public disorder. Sedition being inconsistent with the safety of the State is regarded as a high misdemeanour, and as such punishable with fine and imprisonment, and it has been truly said that it is the duty of the Government, acting for the protection of society, to resist and extinguish it at the earliest moment."

The same learned Judge quoted on that occasion the following passage from Sir Michael Foster's book on Crown Law:—

> "Seditious writings are permanent things, and, if published, they scatter the poison far and wide; they are acts of deliberation, capable of satisfactory proof, and not ordinarily liable to misconstruction, and they are submitted to the judgment of the Court naked and undisguised as they came out of the author's hands."

Now, that passage was taken from a work to which a Judge in the present day, if he wished to instruct his mind on the subject, would refer for his law, and if what was there set forth was true it would not be very difficult to find a definition of the word "seditious." The same learned Judge said that comments upon public characters made *bonâ fide* did not come within the scope of the word; and he could assure his right hon. Friend the Member for Kilmarnock that there was not an Irishman come to years of discretion, who could not give a practical definition of sedition so as to answer all the purposes of the Bill. It had been said by the hon. Member for Mayo (Mr. Moore) that he (the Solicitor General for Ireland) had quoted extracts from certain journals on a previous occasion in a manner which was calculated to deceive the House. Now, he had made quotations from *The Irishman*, and other papers published in Ireland, some of which consisted of extracts from American papers, but which had been reproduced in Ireland and published in large type; he had stated that these were extracts, and had in no way deceived the House; he had the papers then and now for any Member's inspection; and while upon that point he would again call the attention of the Committee to a passage which occurred in the Charge of Mr. Justice Fitzgerald, to which he had already referred. The learned Judge said—

> "With respect to articles extracted from American and other newspapers, it was recently contended in argument before the Court of Queen's Bench by the learned counsel for Mr. Pigott, that even if those articles were of a seditious or treasonable character the defendant was justified, in point of law, in publishing them as foreign news. Gentlemen, I am bound to warn you against this very unsound contention; and I now tell you, with the concurrence of my learned colleague, that the law gives no such sanction, and does not in the abstract justify or excuse the republication of treasonable articles, no matter from what source they may be taken. In reference to all such republications the time, the object, and all the surrounding circumstances are to be taken into consideration, and may be such as to rebut any inference of a criminal intention on the part of the Government."

But it was contended by the hon. Member for Mayo that there was no connection between those treasonable writings and the commission of agrarian offences. They could, he said, be attached as treasonable, and there was, consequently, no necessity for the insertion in the Bill of the word "seditious." Now, he would ask the permission of the Committee to read a single extract from *The Irishman* of the 22nd of January in the present year. It was as follows:—

> "When Frederick, the Prussian King, once asked a peasant what constituted a citizen, the gruff Teuton replied—'A gun and a vote.' There could not be a better definition; for the man who has a gun can back his vote and guard his rights. He need not quail before a landlord's frown nor a policeman's uniform. If a Minister desires to overawe the possessors of the franchise on the hustings by a display of armed force, the voter with the gun is a match for the hireling soldier without a vote. If a lordling wishes to drive him like a led sheep to the polling-booth, there is an unanswerable argument why he should not do so in the blue gleaming of the rifle barrel grasped in his manly hand. If a hostile Government attempts to curtail, restrict, or abrogate the privileges of his manhood, he can follow the maxim of the Roman of old and 'dare to be free.' By his vote he can record his protest against all injustice, and by his gun he can enforce its termination. The man with a vote and a gun is everywhere the denizen of a free country. He is everywhere a member of a community jealous of its prerogatives, and able and ready to guard them. He stands everywhere buoyant against oppression, everywhere certain of redress if he be wronged, and everywhere he has something to fight for worth all the risk of the invocation of the Lord God of battles."

Now, that was exactly the class of article which would be caught by the word "seditious" in the Bill; and he hoped the Committee would believe him when he said that were it not that he did not wish to take up their time he could make quotations from twenty or thirty articles of a similar character, and these from newspapers all published and circulated in Ireland. Under those circumstances the Committee ought, he thought, to be satisfied that the employment of the word "seditious" was necessary, while he trusted they would not think he had been guilty of any attempt to deceive them by having quoted extracts from articles which might, in the first instance, have appeared in America, but which had been published in Ireland within the last twelve months; and published not merely as news, but for the purpose of giving them a wide and extended circulation among people whose minds were intended to be influenced by their perusal.

Mr. MUNTZ said, he regretted that he was not an Irish boy of sixteen instead of an English Member of mature age, as he might in that case be able to understand the word "seditious." Yesterday he had thought it difficult to understand the precise meaning; but after the judgment which the hon. and learned Gentleman had just read, he found it still more difficult. There could be no doubt that when the Executive Government came down to the House and declared that they could not protect life and property in Ireland with the powers which the law at present gave them, it became the bounden duty of every hon. Member to assist them in securing that object. In doing so, however, it was necessary to avoid the common error of being too precipitate. The six Acts of Lord Sidmouth, which were passed under the influence of panic, illustrated his meaning. History repeated itself. For his own part he did not like the word "seditious," because he looked upon it as being very comprehensive. He would not go back to Mr. Justice Holt; but he did not forget that in 1745 a man had been hanged at Carlisle for high treason, the only overt act proved against him being that he had taught a parrot to whistle "Blue Bonnets over the Border." In 1819 two gentlemen, at a public meeting in the town he represented, moved and seconded a resolution to the effect that, in their opinion, Birmingham ought to be represented in that House. Another man supported that resolution, and they were all tried for sedition. It was a peaceable meeting. There was no disorder, and nothing illegal or irregular; but they were tried at Warwick Assizes and found guilty of sedition. The mover and seconder were sentenced to twelve months' imprisonment; but the man who spoke to the resolution to two years' imprisonment, the reason for the difference being apparently that this man, named Maddocks, who was to be honoured for his boldness, justified himself at the trial by declaring that he had done no wrong, but had merely used the right of a free-born Englishman in expressing his opinions. Coming down to later times, he was present in 1831 at a trial at Warwick, where two men were tried for sedition, upon a charge which showed of what beautiful expansion the word was susceptible. In those days there was much political agitation, and the streets were blocked by the people, and the magistrates said this must not be, whereupon a placard was issued to the effect that the magistrates knew nothing of law, and that the people were right. On the trial of the persons who put out this placard, the Judge said that sedition consisted in disobedience to constituted authorities. He (Mr. Muntz) believed at the time that that view was correct; but since then he had got older, and he hoped wiser. No doubt, the question whether the defendant had been guilty of sedition was left entirely in the hands of the jury; but in a state of great political excitement men would be found guilty who at other times would be acquitted. In 1841 the late Feargus O'Connor was sentenced to two years' imprisonment for a seditious libel written in *The Northern Star*. There was nothing very violent in the article. It abused the Government for their conduct to the Chartist prisoners; but was not half as bad as some of the articles in *The Marseillaise* or in the Irish "national" papers. As to the contents of these journals, he did not think the Government could overlook them any longer. The Bill was a necessity, and he did not want to get rid of it—the first duty of Parliament being the protection of life and property. But sedition was a very dangerous word, and he should like to avoid the use of it. Another danger was that, although the Bill was to last only one year, it would be renewed over and over again, and be one day made a model Bill for repressing agitation in England. England had not been free from agitation. The Blanketeers and Chartists were still remembered, and he was afraid there was looming in the distance anything but a peaceable attitude on the part of our working population. He felt, then, that care should be taken in framing the clauses of the Bill, that any unnecessary tampering with the Press should be avoided, and every penal clause in the Bill be made as clear as possible.

MR. COGAN said, he could not agree with the eulogy which his hon. Friend the Member for Mayo (Mr. Moore) made on that portion of the Irish Press, which had so presumptuously assumed the title of "National," but which he considered had inflicted deep injury on the national character, loosened the reverence for religion, which was one of its distinguishing characteristics, and directed to most mischievous courses and disastrous ends the best impulses of a generous people. That being so, he was anxious to explain the vote he was about to give for the Amendment. He believed the Bill would be a nullity unless it dealt with the foundation of the evil, and it would be unjust if those who had been incited to crime should be punished, and those who incited them to crime should escape punishment. The House, however, should not go one step further than the necessity of the case demanded, and should jealously guard the liberty of the Press and of the subject. He was astonished to hear the Solicitor General for Ireland say that any boy arrived at years of discretion could define what sedition was. He could only say that though he was no longer a boy, he would not take upon himself to define the word; and he was resolved that, so far as he was concerned, he would do nothing to bring about the day when it should be left to any Minister, however eminent, to decide the point on his own personal authority. Almost anything that occurred in times of political agitation might be brought within that category. He hoped it would always remain part of the British Constitution that such vital questions should be decided by a jury of twelve men. Under the Habeas Corpus Suspension Act, the Government, even in times of great public danger, were only allowed to imprison persons on charges of high treason, treason-felony, or treasonable practices. But no Government had attempted, even under these exceptionable circumstances, to ask the House for power to imprison persons on charge of seditious acts or seditious writing. In his opinion, the House would go far enough if it limited the clause to writings of a treasonable nature, or inciting to murder, or any felony, and one step further would do a mischief to the Constitution. He trusted the Government would listen to the suggestion that they should first give a warning to the newspaper proprietor before proceeding to the extremity of seizing the plant of the newspaper. This arrangement would have one good effect; a Government would hesitate long before taking the extreme course, but a warning would be a more simple matter, and could be given without so much deliberation, and might be the means of rendering it unnecessary at all to have recourse to it.

Mr. M'MAHON said, that the Solicitor General for Ireland had quoted from *The Irishman* of the 22nd January an article which he pronounced seditious. If it were so, why had not the proprietor of the paper been prosecuted; if it were not so, why should the Government ask for powers to treat as a seditious print that which was not seditious? He was bound to conclude that the article in question was not seditious in the opinion of the Law Officers, or else prosecution would have followed as a matter of course. What was wanted was a definition of sedition in the Bill itself. Treason was defined in the statutes, and felony was known to the common law; but sedition was still a vague term in law. It was not known to the common law of England. As the clause stood, it gave an indefinite power to the Government such as it ought not to have; and it was incumbent upon the Committee to require of the Government such a definition of sedition that newspaper proprietors might know when their property might be considered in danger.

Mr. W. JOHNSTON said, he should support the Amendment of the right hon. Gentleman (Mr. Bouverie). He would not attempt a definition of sedition; but he felt perfectly satisfied that the publication of the speeches of Church of England clergymen last year might have been regarded as seditious; that the same character might be ascribed to the publication of Mr. Madden's letter on his dismissal from the office of under-Sheriff; and that any newspaper publishing speeches such as had been made, and would be made again, at Orange demonstrations and meetings held to remonstrate at the interference with the Ulster custom, would be held to be seditious.

Lord ELCHO wished to say one word in explanation of the vote he intended to give. There was no doubt that the powers asked for by the Government were not only excessive, but powers such as no Government had asked Parliament to confer on it before. One voted at all times most unwillingly upon these Coercion Bills; they were not a pleasant page in our history, nor did they form a pleasant page in the history of political parties. About a quarter of a century ago Sir Robert Peel brought in a Coercion Bill, and was turned out in consequence.

Mr. GLADSTONE: Sir Robert Peel went out on the Arms Bill.

Lord ELCHO said, it was all the same; whether it was an Arms Bill or a Peace Preservation Bill, they all partook of the nature of coercion. They were stretches of the Constitution; and he was justified in saying it was upon a Bill of this character that Sir Robert Peel was turned out of Office by a combination of the Whigs and the discontented of his own party. But a month or two only had elapsed when the Whig Government brought in a Bill of a similar character; and, as if to illustrate the strange vicissitudes of fortune, the right hon. Gentleman the First Lord of the Treasury and the Secretary of State for War—who were turned out of Office with Sir Robert Peel for introducing a coercive measure for Ireland—were now introducing a Bill more stringent by far than any Bill ever before brought into Parliament. But what were they to do? He confessed that "sedition" was a most elastic word, and the powers conferred by the clause would have to be exercised with great discretion; but he dissented from the argument that the provision must be rejected because it interfered with the liberty of the Press. He would rather describe it as an interference with the licence of the Press. For what was the liberty of the Press? In this country it was happily a means to secure good government; but if that liberty of the Press in any part of these dominions, whether in England, Scotland, or Ireland, instead of leading to good government exhibited a licentious character, making government impossible, and preventing the due protection of life and property, Ministers were perfectly justified in coming to Parliament for further powers. Although he was of opinion that such extraordinary powers should not be given to a Government except in extreme cases, he was not prepared to take upon himself, as an individual Member of Parliament, the responsibility of refusing those excessive powers. Hon. Members must recollect that the Bill came before them *pari passû* with another, which should satisfy those discontented parties against whom this coercive measure was directed; and they might be certain that the Government would not ask for these powers unless they, in their peculiar position, believed they could not maintain the security of life and property without them. When the Government, with ample information respecting these matters in their possession, had come to such a conclusion, he would not, however much disliking Coercion Bills and clauses interfering with the liberty of the Press, take upon himself to vote in favour of the Amendment, because, in voting, each of them was bound to assume that his single vote might turn the balance.

MR. OSBORNE said, that he always listened to anything proceeding from his noble Friend opposite (Lord Elcho) with attention; but he must state that if the grounds he laid down for supporting the present Bill were admitted, there would be an end to all discussion in that House, and Parliament might as well place despotic power in the hands of Government if all measures like the present, brought in under their responsibility, must be passed. He, for one, had hitherto abstained from taking any active part in the discussion of this Bill, because as an old and consistent Member of what was called the Liberal party—though he had always had great difficulty in finding out what the Liberal party was—he had a great repugnance and dislike to enter into any discussion of these Bills, whether called Coercion Bills, Arms Bills, or Peace Preservation Bills. He had seen too much of them in his time, and had never known them to do any good. He was ready to admit that when the Government came down to the House and stated, on their own responsibility, that they could not take on themselves the preservation of life and property in Ireland without being intrusted with extraordinary measures, the House was bound to consider their proposal with attention; but he did not agree that the Bill was at once to be shuffled through without discussion; and he thought that instead of sneering at Members who raised discussions like the present, the House ought to be grateful to them for viewing unusual proposals with jealousy. With respect to the first part of the Bill, containing police regulations, knowing the state of Ireland as to agrarian crime—knowing that the long impunity given to it by the inactivity of the Law Officers of the Government had created an epidemic of agrarian crime, he granted that extraordinary powers were required, and that some stricter regulations were necessary with respect to the carrying of arms and the sale of gunpowder. But, passing over that part of the Bill, he came to the general provisions with respect to the Press. He heard the other night the speech of the right hon. Member for Liskeard (Mr. Horsman), who was extremely ingenious in picking a hole in a Bill, being only second to the right hon. Member for Oxfordshire (Mr. Henley) in that great art. The right hon. Member for Liskeard complained that there was a want of originality in the Bill; but, for his own part, he must say that it was the most original Bill he had ever seen. It was introduced in a most original manner—in answer to a Question put a fortnight before. Such a thing had never been known previously as the Prime Minister getting up and giving a sketch of a Bill in answer to a Question. Again, it struck him as a most original thought to combine with a Bill for the prevention of agrarian crimes clauses for putting down the liberty of the Press. He had nothing to say in defence of the Press of Ireland. He was sorry to say he thought it was in a very defective state; but they must remember that without a demand existing in Ireland there would not be the supply. However, as far as his experience of Ireland went, he denied that there was any necessary connection between agrarian crime and political disaffection. The two things were separate; and he went further and said that at the time Fenianism was most rampant in Ireland agrarian crime was most scarce. In 1865 and 1866, when Fenianism was rampant, the Judges of Assize were universally complimenting the juries on the absence of agrarian crime; therefore, it was a mistake of the Government to bring in a Bill mixing up police regulations respecting agrarian crime with an attack upon the Press. He granted that the articles which had been referred to were as seditious as possible, because the term sedition was so elastic that it would comprehend anything; but when the Solicitor General for Ireland (Mr. Dowse) — might he long remain so!— quoted in March an article from *The Irishman* of January, 1870, he (Mr. Osborne) said, if that article was seditious, then the Law Officers of the Crown were wanting in their duty when they allowed it to pass unnoticed and unpunished from January to March, and then came down to the House and asked for an *ex post facto* law in order to obtain additional powers to control the Press. He wished to know, then, whether the Government had exercised the powers they already had to the full? If they had not exhausted them, they had no right to come to the House, and particularly to a Liberal House, elected, as they all knew, under an extended franchise, and ask for the grant of additional power for controlling, or, as he should say, gagging the Press. Let them take care that in all their anxiety to pass a Bill for the preservation of life and property in Ireland they did not imperil the groundwork of liberty itself. He rejoiced that the present Amendment proceeded from a man of such high standing and consistent Liberal character as the right hon. Member for Kilmarnock (Mr. Bouverie), and he trusted that the matter would not be allowed to degenerate into a mere lawyers' quarrel as to the meaning of the word "sedition." What did they think was Lord Coke's definition of sedition? It was—"Any man taking his own course." He held in his hand a text-book by a great writer — Broom on *Constitutional Law* — and the author, after mentioning the definition of sedition, said—

> "From the above definitions may tolerably well be inferred what is the offence of seditious libel; it is, however, susceptible of an elastic meaning, and accordingly the Crown, when strong enough, has been in the habit of punishing almost every obnoxious criticism on the acts of Government as constituting a seditious libel."

He had not been brought up to the honourable profession of the law, but he should like to hear the Solicitor General for Ireland answer that statement. They were now asked to open a door which might lead to they knew not what. He had heard that not long ago an hon. Gentleman, now a Member of that House—he would not mention his name—appeared on the hustings in the sister isle, dressed in what he was sure the hon. and learned Solicitor General for Ireland would call a most seditious garb. That Member, wearing a cravat of the most ample folds and of the greenest colour, and bearing on his breast the representation of a harp without the crown, called upon the crowd to give "three cheers for the Fenian convicts." He (Mr. Osborne) wanted to know whether that was seditious or not, and whether any newspaper publishing the words would or would not be liable to prosecution for sedition? He could not expect the learned Solicitor General to give either assent or dissent; but he (Mr. Osborne) maintained that the paper that published the account the next day would be liable under that Bill, if they passed it, to seizure for publishing sedition. He had heard some discussion about Fenianism and the Fenian Press; but it was a very silly thing for a man to sneer at Fenianism without understanding it. Fenianism was not the disease itself, but the symptoms of disease which was chronic, and which had existed since the Union and before the Union. It took the shape at one time of the United Irishmen, and then of the Irish Volunteers, and it had a varied appearance; but it was nothing more than, as it was well described by an Irish writer, "nationality run mad." A wise Government would try to turn that nationality into proper channels; but he denied altogether that this could be effected by Peace Preservation Acts. Nor could they do it by carrying out the farce which consisted in proposing identity of institutions in England and Ireland. Identity of institutions did not exist—identity of institutions could not exist. The conditions of society were perfectly different. He perfectly agreed with an observation made, he believed, many years ago, by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), that the best thing they could do for Ireland was to get rid of identity of institutions. When they were bringing in a Bill abrogating freedom of contract, and prescribing regulations for the letting of land—a measure they would not dare to bring in for England under any circumstances, any more than they would dare to propose for England that other Bill which was now before them—they must not talk to him of identity of institutions. He did not go so far as some appeared to do, who talked of governing Ireland according to Irish ideas—although there was some dispute who said that or did not say it—but he did say, if they would govern Ireland, they must get rid of their English notions, and rule Ireland by that spirit of nationality which, like a strong under-current, was at the bottom of much Irish crime and more Irish discontent. By this measure they were stopping a hole here to open another there. It would do no good, but the contrary. They might put down this class of publications; but they would start up elsewhere, or in different shapes. So long as there was a demand for that kind of reading there would be a supply. Did they suppose they would put down discontent by giving additional strength to a vice-regal system? If any one could suppose so, he must be strangely ignorant of Ireland. If they wished to govern Ireland by Imperial policy, they must rely on the really Irish spirit. They must appeal to Irish national feeling. They must get rid of their Lord Lieutenant. They must give Ireland the reality of government. What reason had an Irishman to be loyal? What did he know of the real government of the country? They sent over a great English nobleman, and fancied that if he entertained royally and hospitably in the Castle, that was popularity; but the people of the country knew nothing about it. And then they came to Parliament for a measure of this kind to put down the Press. If they wished to appeal to the Irish sentiment, they must appeal in a different way. He went much farther probably than many other Gentlemen in that House. He was not a Repealer; but he would like to take the Imperial Parliament over to Ireland, and let it sit there, so as to allow hon. Gentlemen to see what Ireland was; and then they would, perhaps, not be in such a hurry to have recourse to those measures. He rejoiced that an English Member of position and consideration in the House had moved this Amendment; he would go with him into the Lobby satisfied that he was doing his duty. He only wished he could persuade many others to follow his example.

MR. HERON said, he was not going to address the Committee on the general question now before it; but having heard the statement of the hon. Member for Waterford (Mr. Osborne), and having now for the first time an opportunity of stating in his own words what occurred in Tipperary, on the occasion to which allusion had been made by the hon. Member, he now wished to state, in regard to what the hon. Member for Waterford had said, that he never—either on the hustings of Tipperary, or at any time during his canvass, or in any speech he made—used the words which the hon. Gentleman attributed to him, and he never proposed a cheer for the Fenian convicts. He felt that he had been the subject of what he must call undeserved misconstruction. He was quite sure the hon. Member for Waterford sincerely believed that what he had stated to the Committee had actually occurred. [MR. OSBORNE: I saw the cravat myself.] He felt that a serious charge had been made against him, and the hon. Member said the words he used were seditious. [MR. OSBORNE: I did not say that.] He repeated that the words never were used by him. He never saw any newspaper report in which the reporter stated that the words were used, although he did see it stated in a leading article that they were used. He repeated on his honour as a Member of that honourable House, of which he had always been ambitious to be a Member, that the words in question were never used by him. He did not complain of the hon. Member for Waterford having, in fair political warfare, used the words against him, but he trusted the Committee would accept his explanation. At a future time he might have the opportunity of addressing the Committee in reference to other matters connected with himself personally; but having for the first time heard the statement made by an hon. Member for whom he had a sincere respect, he trusted he might be considered not unduly to have taken up the time of the Committee in giving the statement his distinct denial as a Gentleman and as a Member of the House, and he had only in conclusion to thank them for their kindness in permitting him to give this denial.

Mr. CHICHESTER FORTESCUE said, his hon. Friend the Member for Waterford (Mr. Osborne), among other charges against this part of the Bill, complained that they did not recognize the principle for which he contended—that literal identity of institutions was impossible between Great Britain and Ireland. Speaking generally, he (Mr. Chichester Fortescue) agreed with that principle; but he maintained that the whole course of the policy of the present Government, whether shown in other great measures or on this great measure on which they were now unfortunately engaged, was entirely in accordance with the spirit of that principle which he understood his hon. Friend to lay down—that Ireland was to be treated in a spirit not of literal identity of institutions with this country, but of real and genuine equality. He might say, without irreverence in this matter — "The letter killeth, but the spirit giveth life;" and they had endeavoured, in the policy which had been accepted by the House and the country, to treat Ireland as they would treat England and Scotland under similar circumstances. The Government had given proofs of their adhesion to that principle in the great measure of 1869, and in the great measure of 1870, and also, though in a different and painful form, in the very measure now before the House. For the House knew very well—it had been recognized over and over again by those who had taken part in this debate, especially by his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer)—that if either England or Scotland could be shown to be in anything like the same condition as Ireland, there would be no hesitation in applying to Great Britain the very same legislation they were now applying to Ireland. Then, with regard to another complaint of his hon. Friend the Member for Waterford, he must observe that it was a mistake to say they were passing an *ex post facto* law to apply to Press offences, for nothing would come within the scope of the Bill that had occurred before the Bill became the law of the land. His hon. Friend with reference to a quotation from one of the newspapers, read by the Solicitor General for Ireland, asked why they had not prosecuted that paper. He seemed to think that Government had exercised no thought or consideration on that matter—that it had been allowed to pass *per incuriam*, by negligence or sloth. But there was nothing of the kind. The reason why that and other papers had not been prosecuted was that, for reasons they thought good and sufficient, they did not think it their duty to prosecute them. They took that course on the advice of their best advisers. To prove the technical offence of treason-felony simply by written words was an enterprize of the greatest difficulty. It was said, indeed, that a prosecution for seditious libel was comparatively easy; but in the opinion of the Government such prosecutions would have been worse than useless, and that opinion was based upon past experience as well as upon the facts of the case. If they had prosecuted the paper from which an extract had just been read by the Solicitor General, a conviction might possibly have been obtained without any very great difficulty. But what would have been the result? The editor would have passed a short time in seclusion as a first-class misdemeanant in one of Her Majesty's prisons; but the Government would have been flooded with memorials and petitions for his release, signed by the most respectable and influential gentlemen in Dublin, and, meanwhile, the paper would have gone on, not only with equal, but with greatly increased prosperity and success. That was the proceeding which his hon. Friend the Member for Waterford blamed the Government for not having adopted. Then the hon. Member appeared to agree with the hon. Member for Mayo (Mr. Moore) who thought it wrong that the powers contained in the clauses relating to the Press should be combined with the police regulations contained in the earlier clauses. He did not quite know whether his hon. Friend objected to the mere collocation of the two subjects in one Bill, and whether he would be satisfied if the two subjects had been introduced in two separate Bills. If that was all, he (Mr. Chichester Fortescue) did not think the matter worth arguing about. But he denied that there was any separation between the two portions of the Bill. He denied that the earlier portion of the Bill was aimed at agrarian crime exclusively; it was aimed at disturbances and outrages of all kinds. The provisions as to the possession of arms, the robbery of arms, and other offences, were most useful as applied not to agrarian crimes only, but also as connected with disturbances of a seditious character. This Bill professed to be a Peace Preservation Bill; and he would ask any Gentleman whether it would have been possible to leave out of the Bill those portions that related to the Press? Did anyone suppose that the weekly propagation all over the country of those articles of which his hon. and learned Friend the Solicitor General for Ireland had given them one mild sample did not tend to thwart all attempts to preserve the peace of the country? If it would have been foolish to separate these subjects into two Bills, it would have been still worse, it would have been an abandonment of their duty if they had not undertaken to deal effectually with the Press as a necessary part of the question of the preservation of the peace of Ireland. In his Charge delivered to the jury in the case of "The Queen *v.* Pigott," Mr. Baron Deasy, one of the highest legal authorities in Ireland, had defined what an Irish journalist might safely teach and write, and, on the other hand, what it would be illegal for him to do; and, as any Government would, no doubt, receive similar advice from its Law Officers, the Committee would, perhaps, allow him to read a passage from the Charge of that eminent Judge. Mr. Baron Deasy said—

> "Gentlemen, the defendant here is the proprietor, printer, and publisher of a paper called *The Irishman*, and in this country, as you all know, the public journalists enjoy very extensive privileges, and have very extensive rights. The public journalist is entitled to canvass the acts, the conduct, and the intentions of those who may be entrusted from time to time with the administration of the government by the Crown. He is entitled to canvass, and, if necessary, to censure those acts. He is entitled to comment on, canvass, and, if necessary, censure the proceedings of Parliament. He is entitled to criticize and condemn the acts of public men. He is entitled to point out any grievances which he may think the people labour under, and argue for their removal, and suggest what remedies may occur to him for the purpose. He is entitled not only to publish but to comment on, to criticize, and, if necessary, to condemn the conduct of Judges and their decisions; nay, more, even the verdicts of juries are not exempt from fair and reasonable criticism. . . I have told you within what limits a journalist may exercise his opinions and his talents; but I should tell you also the things which he is not permitted by law to do. He must respect the existence of the form of government under which he enjoys and exercises these very extensive rights and privileges to which I have referred. A public journalist must not either covertly or openly devote the pages of his journal to overthrow the Government; he must not, when a treasonable conspiracy exist in the land — and such a conspiracy now exists in Ireland and in parts of this country also — he must not, for the purpose of overthrowing the Government, make his journal auxiliary to the purposes of that conspiracy; he must not devote it to supplying the members of that conspiracy with intelligence which they may use to advance their objects; he must not use his journal to encourage them to persevere in that conspiracy; he must not devote his journal to encouraging those who may not have embarked in it to become involved in its meshes; he must not sow disaffection and discontent generally throughout the land; he must not inflame the minds of the people so that they may be more accessible to the members of the conspiracy, or so that they may be the more ready to join in the insurrection which these conspirators are seeking to bring about. He may, as I said, comment on the acts of the Government and criticize them severely; he may, as I said, canvass and criticize proceedings in courts of justice, and the conduct and demeanour of the Judges who preside; but he must not devote his journal to the purpose of bringing the administration of the law generally into contempt, and exciting the hatred of the people against the law. Neither can he legally devote the pages of his journal to excite animosities between different classes of Her Majesty's subjects; he must not use it for the purpose of exciting the feelings of the people of this country against their fellow-subjects who live on the other side of the Channel."

He read that opinion to the House as a specimen of the view taken of sedition by the highest legal authorities in Ireland. As the debate had taken a very wide range, and had grown into a general discussion upon the subject of the Press clauses, it might be convenient to the Committee, and might save time, if he were to state at once the course which the Government proposed to adopt. There were only two changes of any importance which they proposed to make. In the clause under consideration the words—

> "Or any engraving, matter, or expressions having a tendency to foster, encourage, or propagate treason or sedition, or to incite to the committing of any felony"

occurred immediately after the words which were now being discussed. Objections had been made to these words by hon. Gentlemen who were as anxious as the Government themselves that the clause should be effectual for its purpose; and the Government, admitting that they were, to a certain extent, open to objection, were willing to leave out the words which he had read, and to substitute these words—

> "Or any engraving, matter, or expressions encouraging or propagating treason or sedition, or inciting to the committal of any felony."

He hoped that change would remove a good many objections. He had also to inform the House that, at the proper time, the Government would be prepared to introduce words which would have the effect of securing that, before any of the provisions of the Bill were put in force against a newspaper that paper should receive one previous warning. For this course there appeared to be good and sufficient reasons, and it would not in any essential degree weaken the powers of the Executive. The hon. Member for Cork (Mr. Maguire) had given notice of an Amendment that three prior warnings should be given; to that course the Government could not consent, but they were ready to undertake that one warning should be given.

SIR JOHN GRAY said, he congratulated the Committee that they, after two nights of fruitless effort, had at length obtained from the ministry a definition of the word "sedition." The Chief Secretary had read a statement from Baron Deasy, describing what a journalist might do and yet be within the law, and what he could not do with impunity. According to that definition an offence would be constituted by bringing the existing law or the administration of it into contempt by teaching the people to be discontented with the laws under which they lived, and trying to get those laws changed by the manifestation of their dissatisfaction with the existing state of things. Any effort to improve the law would, according to this definition, be seditious. All the great organizations to effect reform—to abolish the taxes on food—to effect any changes of any kind in the already existing laws were all seditious organizations, and any journalist who supported the views of such bodies would, under the operation of this Bill, be liable to ruin at the discretion of the Lord Lieutenant of Ireland and his advisers. If he (Sir John Gray) knew anything of the British constitution, if he knew anything of British law, if he knew anything of the history of England, and the progressive steps by which the English people obtained their present proud position, which enabled every Englishman to claim liberty as his birthright—the right to meet—the right to discuss any law—the right to remonstrate against any law that tended to produce evil or abridge popular liberty, had always been regarded as an inherent right in the people, the exercise of which was not seditious. It was no less an inherent right of the people if they felt aggrieved by the law, to use all legitimate means within the law and within the Constitution, to arouse their fellow-countrymen to a sense of the wrongs inflicted by bad laws, and thus by Petition to the House, by remonstrance, by the power and influence of public opinion, to induce their representatives to alter the law, and to bring it into harmony with their interests and their feelings. Yet, according to the definition adopted by the Chief Secretary for Ireland, and now propounded to this House as the meaning to be attached to the word sedition in this Bill, to do in Ireland that which is the birthright of every English citizen to do is sedition, and will subject the Irish journalist to the cruel operation of the despotic law proposed for that country. It was usual for Judges, when prosecutions for sedition were before the courts, to draw a distinction between the object and the means to obtain it. That was a most proper and legitimate distinction. The object might be lawful and the means unlawful; but here that which constituted the very foundations of the liberty of the people was declared to be sedition, whatever the means and whatever the incidents of the exercise of that right which was alone theirs. To this definition he objected; to this every free-born Englishman would object; yet those who were to carry this Bill into effect in Ireland gave that as their idea of sedition and as the declaration of the object they had in view in framing this Bill. The noble Lord (Lord Elcho) who preceded the Chief Secretary for Ireland said a great many things about the liberty of the Press and his unwillingness to interfere with it. He (Sir John Gray) knew of no special immunity that was attached to the words or writings of a man by virtue of his being the owner of a printing press. Instead of speaking of the liberty of the Press he would speak of the liberty of thought, of the freedom of opinion, of the right of a free citizen to express his opinions as a freeman to freemen. He stood not up for the Press as a press. A man was not made lesser or better than others by his investing some hundreds or some thousands of pounds, be it more or less, in types and printing presses. He stood there to defend freedom of opinion, and, in so far as the Press was used, to communicate to the eye as the voice did to the ear. To render permanent, definite, and widespread, the opinion expressed against wrong and in favour of right, he would maintain the liberty of the Press as the means of disseminating free thought and securing free discussion, but no further. The noble Lord asked, in reference to the Government, a very proper question. He said—What is the Government to do?—putting that question as an argument for the Bill. He (Sir John Gray) would answer the question by saying to the Government—"Do your duty." If it be true that treason and sedition are openly preached in Ireland, and have been for years past, as is asserted by the Law Officers of the Crown, he asked the Government have you done your duty in conniving at it, and thus encouraging, if not stimulating it? He asked the House if these statements be reliable, had the Government done its duty, has it ever tried to do it; and he would venture to advise that they be told to do their duty first, and if that fails then, but not till then, to ask for new powers. Extracts had been read through that debate, but though there were more than 100 journals in Ireland one journal only was quoted. He wished the House, when asked to give its sanction to a despotic law against the Press in Ireland, to remember that there was no attempt even to show that a second journal had transgressed the law; and yet the discussions were carried on as if the whole Irish Press was disseminating treason and sedition, and inciting to revolution and to outrage. But if that one had done so, had the Government tried to check the evil, if, indeed, it existed, or did it not rather admit that the charge was not sustainable by not instituting a prosecution? That journal sent tons of printed papers into the chief centres of trade and industry in England, yet no prosecution took place. But they were told that no prosecution could be successful. On even this the Government has changed its front. The Solicitor General for Ireland had said that a verdict could not be got in Ireland, and now the Chief Secretary says a verdict for sedition could be very easily obtained; but the Government, instead of taking the more manly, if more troublesome, course of instituting legal proceedings against a newspaper proprietor, sought to endow three gentlemen in a back room in Dublin Castle with power to put their thumb upon any newspaper they chose to consider as offensive.

MR. CHICHESTER FORTESCUE explained that he did not say it was very easy to obtain a verdict for sedition. What he had said was that it was with the greatest possible difficulty a verdict was obtained for treason-felony, but that it would be easier to do so for sedition.

SIR JOHN GRAY said, he saw very little difference between the correction and his misunderstanding of the expressions used. He asked how it was the Government had not attempted a single prosecution, and was it a fact that it was difficult to get verdicts in treason-felony cases? In 1848 an Act was passed, popularly known as the Treason-Felony Act, under the *regimé* of what was called the Liberal party. Under that Act John Mitchel was tried, convicted, and sentenced to fourteen years' penal servitude, and his paper, *The United Irishman*, ceased to exist. On this, Mr. Martin, a Presbyterian gentleman of great enthusiasm, determined to stand in the front, and produced a paper called *The Felon;* but he was convicted and transported, and *The Felon* ceased to exist. Mr. O'Doherty started *The Tribune*, a paper of the same class; but he was also tried, convicted, and sentenced to transportation, and *The Tribune* came to an end. Thus they had three convictions out of four prosecutions, and in the case of the fourth, the trial of Mr. Duffy, the proprietor of *The Nation*, the jury disagreed three times; but Mr. Duffy was so harassed by these proceedings, so damaged financially, that he had to leave the country, and in course of time he rose to power by his talents and ability, and he became a Minister of the Crown in Australia. Mr. Duffy belonged to the "Young Ireland party," which was a kind of offshoot of the O'Connell party, and he never went quite so far in treason as Mitchel and the others did, and, in fact, Mr. Mitchel started *The United Irishman* as a rival to the less advanced *Nation*, and to its less seditious and less treasonable character was due the failure of the prosecution against him. The Government were unable to prove that Mr. Duffy had published treasonable articles, and consequently they failed to obtain a verdict against him. Thus 75 per cent of the prosecutions under the Treason-Felony Act succeeded, a larger number than the average of successful prosecutions for any criminal offence of a non-political kind; and yet they were told it was almost impossible to get convictions in Ireland, and that therefore they must create a Star Chamber despotism. Why, then, if for the more difficult cases the law has been found sufficient, why is it not tried in the easier class of prosecutions, that for sedition, before these extravagant powers be given? Did they find any difficulty in convicting the Fenian prisoners? Some hundred men were convicted, some were still in prison, some were in their graves; some, alas! were in madhouses. It was then a libel on the Irish jurors to say convictions on full proof could not be obtained—a libel invented to screen the Government for neglecting its duty. The question now at issue was not as to what Press laws ought to be adopted as a future code, but whether it was right to grant such a power as it was proposed to vest in the Irish Executive? It was, in point of fact, proposed to give to the Government, which in Ireland meant three or four legal gentlemen ensconced in a dark room in Dublin Castle, the power to do as they pleased—to constitute themselves a worse than Star Chamber, and to control the entire Press of the country. Why did not the Government prosecute offending newspapers? The hon. Member for Dungarvan could, he thought, if he chose, explain the true reason. The Government had already prosecuted a vast number of men, and had procured convictions against them, but the Law Officer of the Crown, who conducted the prosecutions with honour and with credit, lost his popularity, and with it lost his seat. That probably was the reason why it was not intended to institute any further proceedings against the Press; and, of course, it was far easier for two or three gentlemen whose names would never appear before the public to meet quietly in a backroom and make suggestions as to the execution of the Press law to the Lord Lieutenant, who had no occasion to keep up his popularity among constituents. These legal officials would have the whole power in their hands, and might seize on any pretext for pouncing on a newspaper, not really on account of an obscure paragraph, forwarded possibly by design, which had crept in unawares through the inadvertence of a fatigued sub-editor between two and three in the morning, but because of rigorous and manly articles against the conduct and action of the Government. The thumb-screw would then be applied to that paper, which would be effectually prevented from troubling the Government any more. The whole Press of the kingdom would be held by these men as in the hollow of their hands, and the journalist who dared to hold free opinions, and to express them, might be made amenable, and subsequently ruined for his independence. The Lord Lieutenant was not, he believed, remarkable for political sagacity or profound statesmanship. Now, many Members present recollected a great statesman whose memory was justly revered on account of the principal act of his political career—the repeal of the duty imposed on the food of the people. Well, Mr. Cobden, addressing that House as the spokesman of the Anti-Corn Law League, described the sufferings from want and starvation of the people of Stockport, which he then represented, and he asked—"What are you going to do? Are we in this House to tell the 60,000 people of Stockport that they are to lie down and die? If we are to tell them that, the responsibility of their death must rest on the Government." Yet what was the charge made by that sober-minded, calm and experienced statesman, Sir Robert Peel, against Mr.

Cobden? He actually said, by making use of such words, Mr. Cobden was inciting the people to assassinate him—the Prime Minister of England. If, therefore, an experienced statesman like Sir Robert Peel could be so carried away by panic and passion as to bring forward such an accusation on such slender grounds, what could be expected from a juvenile statesman or a couple of lawyers who had been pitchforked into a position of power in Ireland, and who might in the chagrin of momentary political defeat, or in an hour of foolish panic, grasp at the opportunity of putting down that Press which complained of bad laws, exposed the incapacity of the Executive, or advocated the liberties of the people.

Lord JOHN MANNERS said, although he did not agree with all that had fallen from the First Minister of the Crown as to the Bill containing nothing which was unconstitutional, he was, nevertheless, prepared to give it his support. He could not, however, give it that support without first stating in a few words what he believed to be the main facts of the case. He wished to remind the Committee and the country that in the two years and a-half during which the late Government were in Office they had to encounter, as far as treason and sedition were concerned, a far more serious state of affairs in Ireland than that which confronted Her Majesty's present Government, and yet the late Government did not feel it to be their duty to apply to Parliament for powers of this exceptional character against the Press of that country. On the contrary, they were content to put into effect the law as they found it against the treasonable and seditious Press. Indeed, they never even contemplated or discussed the propriety of applying to Parliament for powers of this extraordinary and exceptional nature. On retiring from Office they handed Ireland over to Her Majesty's present Government in a condition, speaking relatively, of progress, of contentment, and of peace. Another circumstance to which he wished to refer was that the present Government had been during their tenure of Office the most powerful Government of modern times, and that they had done in and for Ireland what they listed. They had carried one of the most revolutionary measures of recent times, had debased their opponents and elevated their friends, and had carried out to the full the policy they thought fit to pursue with respect to Ireland, and yet, in spite of all this, Her Majesty's Government now came forward and told the House they would not be answerable for the maintenance of peace and tranquillity in Ireland unless the Legislature conferred upon them these exceptional, and, he might almost say, extravagant powers. Be it so. On the express declaration of Her Majesty's Government that these powers were essential to the maintenance of peace and tranquillity in Ireland he freely conceded them his support, as far as his vote was concerned. While conceding it, however, he must distinctly state that in his humble opinion those powers were the necessary consequence, supplement, and complement of the policy, action, and language of Her Majesty's Government.

Mr. GLADSTONE: Sir, the noble Lord who has just spoken—differing, I must say, from every Gentleman who sits beside him—cannot afford to lose the smallest opportunity of importing party spirit into this discussion. I am not about to treat the speech of the noble Lord as an indication of the feeling which exists on the other side of the House, because I am bound to say that a perfectly opposite spirit has been manifested in that quarter. But as the noble Lord thinks fit to refer to that period of peace and contentment which prevailed in Ireland without the extraordinary powers for which we now ask, I may be allowed to remind him of that which he seems to me to have altogether forgotten—that he never had any share in the governing Ireland, during the existence of the late Administration, aided only by the ordinary law; for the extreme measure of a suspended Constitution was in force during the whole period which the noble Lord has with such singularly good taste and propriety brought under the notice of the House. I turn now to my hon. Friend the Member for Kilkenny (Sir John Gray), and I feel satisfied that whatever difficulties we may have in obtaining verdicts against seditious newspapers in Ireland, we should have little or none in obtaining a verdict against him for having committed an error in reporting history. He has told us what Sir Robert Peel said to Mr. Cobden in 1842; but he has completely omitted the material words of Mr. Cobden. The words on which Sir Robert Peel made a charge against Mr. Cobden, which he afterwards most handsomely, unreservedly, and most properly withdrew, were the words in which Mr. Cobden said that he would hold him "individually responsible." Now, I should never ask for any amendment of the law against my hon. Friend in order to obtain a verdict against him on the score of want of accuracy, if his offence were one which was indictable. I was a hearer of those words of Mr. Cobden, and I see a right hon. Friend of mine opposite who was, I have no doubt, also a hearer of them. What was meant by them was, that such was Sir Robert Peel's influence over the Government of which he was the head that the acts of that Government were to be considered as his acts. Sir Robert Peel treated the words as referring to his personal character, and upon that ground made the charge which he afterwards entirely and absolutely withdrew. Now, as to the Bill under our consideration, my hon. Friend says we ought not to ask for the extraordinary powers which it professes to give, inasmuch as verdicts for treason-felony might be obtained by prosecutions instituted under the existing law. He points out to us that verdicts for treason-felony were obtained in 1848, and one prosecution failed. Now, I would remark that the failure of a political prosecution is a more serious matter than my hon. Friend seems to think, and to institute a comparison between the amount of sympathy excited in such cases and in ordinary cases seems to me to be a mode of arguing which is entirely fallacious. In 1848 the Law Officers of the Crown no doubt were of opinion that the articles then published in certain newspapers did afford a ground on which they might hope for a verdict. They were, I believe, articles of a kind which contemplated measures of immediate rebellion and violence against the armed force. Now, that is exactly the element which is wanting in such articles as those against which the present Bill is directed. The articles which now appear are written with a view to throw the people into a treasonable attitude of mind, teaching them to expect rebellion, to prepare for it, and to take part in it when it comes. As regards prosecution for seditious libel the case is different. Verdicts have been obtained, and may be obtained, but with considerable uncertainty. More than that, the punishment inflicted is totally inefficient for the prevention of the offence. I would here observe that my right hon. Friend the Member for Kilmarnock (Mr. Bouverie), in moving the omission of the word "seditious" from Clause 27, does not appear to be aware that in the view of the Government his Amendment, if carried, would be equivalent to putting a negative on the clause—a result which I am sure he did not contemplate. I do not deny that there are many things to be said in support of the opinions which my right hon. Friend has advanced, but it is only fair that he should know how we look upon the proposal which he has made. The debate has covered the whole general principle of the clause, and I am not sorry for it, for that principle is involved in the use of the word "seditious," without which the clause could not, in the judgment of our legal advisers, be made to work. We have heard the character of the articles against which it is directed described, and have had specimens from those articles read which might be multiplied *usque ad nauseam.* They all belong to the same class, and it is for the Committee to say whether that is a class of writing which ought to be permitted to go on. If it ought not to be so permitted, it is in vain to endeavour to put it down by prosecutions leading to the imprisonment of the editors of newspapers, since during their confinement the articles might continue to be produced. If we limit our demand for extraordinary powers to the case of treason only, it would be almost impossible, according to the unanimous judgment of those who would be responsible for enforcing the law, to obtain any of those verdicts for treason-felony by means of which alone the only effective corrective could be applied to the mischief. I wish my statement upon this point to be as distinct as possible, because it is not in any spirit of authorship or fastidious pride that we refuse to adopt the Amendment which has been proposed. If we could reconcile our views with those of my right hon. Friend the Member for Kilmarnock, we should very gladly do so; but, looking at those enactments as enactments which are intended to take practical effect, it is our solemn belief, supported as we were in the debate of last night by legal authority independent of the Government, to which it is impossible to attach too much weight, that without the power for which we ask it would be in vain to endeavour to carry them effectually into execution. The omission of the words "or seditious" would so maim and mutilate the clause that it would lose its vital principle. I hope, therefore, my right hon. Friend will see that, although no doubt unintentionally, so far as he is concerned, the result of the success of his Motion would be destroy this portion of the Bill.

MR. NEWDEGATE said, that the hon. Member for Kilkenny (Sir John Gray) had pointed out that the Bill would give the Government power to seize without trial any newspaper which in times of disturbance might offend them. The House was asked to sanction the institution of a procedure of confiscation without trial, based upon the interpretation of a term which had been explained on the high authority of Mr. Broom to be so elastic that it would cover the expression of objection to any act whatsoever of the Government. He should be sorry to stand in the way of the suppression of crime or the prevention of felony; but it was admitted that the Government had not used the powers which they possessed. The Government ought not to possess the arbitrary power of seizure before trial. It was true that a person might succeed in an action against the Government and be compensated out of the Consolidated Fund; but the circulation of his paper might in the meantime be stopped, and he might be ruined by some official stretching his power to the fullest extent. It should be remembered that sedition was not propagated by newspapers alone, for in the chapels the priests had been known to use such seditious language that the troops were not allowed to attend without the presence of an officer. There were provisions in the Bill that would enable the Government to exercise an arbitrary power against printed matter which they might hold to be of a seditious kind, although by the mere fact of printing the publisher afforded evidence against himself, which would render prosecution easy—as the First Minister had admitted—as well as successful, and left it deficient only in the penalty, which might easily be supplied. He recognized the full force of the objections taken by the right hon. Gentleman (Mr. Bouverie). The House was invited to establish an unconstitutional and dangerous precedent, not for arresting treason or felony — because the word that would accomplish that object would remain in the clause after the Amendment was carried—but by placing in the hands of the Government the power of seizing without trial any newspaper that might use expressions that might come within the interpretation of the word "sedition."

MR. DENMAN said, he was reluctant to trouble the Committee for a moment; but he thought he should be acting a cowardly part if he did not state his reasons for the vote he intended to give on this Amendment. He came down to the House determined to find reasons, if he could, for supporting the Government on each and every part of the Bill, and he was prepared, as far as he could possibly do so, to support them in passing a most stringent and exceptional law for the purpose of preserving peace in Ireland. But the sole question they were now discussing was, whether they were to pass a law enabling the Government to seize any newspaper which, in their judgment, contained seditious matter. Now, if he knew what "sedition" meant he should vote for retaining that word in the clause; but he defied any lawyer or any man to say what "sedition" meant, or, still worse, what was not sedition. Many Gentlemen he now addressed might have talked with those who remembered well the day when everything that a man said or did which proved him to be a lover of his country and of liberty was by the Government of the day, and sometimes successfully, construed to be sedition. The same thing might happen any day now, because "sedition" was a word coined in bad times, when the Constitution was not reverenced as thoroughly as it was now — glosses had been put upon it by lawyers and Judges before Fox's Libel Act was passed, the consequence being that our text-books were full of definitions such as might apply to any Member of this House while earnestly and patriotically doing his duty. He could not, therefore, consent to give to any Government so elastic and dangerous a power as would be given by allowing them to seize valuable property upon their own definition of the word "sedition." Moreover, he was of opinion that it was quite unnecessary to retain the word "sedition" in order to meet any case in which the Law Officers of the Crown ought really to advise a seizure. The very instance quoted by the Solicitor General for Ireland as one of the most outrageous and atrocious acts of the Press, which they required power to punish, was, to his (Mr. Denman's) mind, fully met by the other part of the clause; because any Judge or jury, anxious to decide according to the truth, would find in the article read by the Solicitor General, about the guns a direct incitement to felony, and a direct encouragement to treason. If this word "seditious" were retained, occasions might soon arise in which the Government, led on by the power conferred on them by the clause, might occasionally do acts and make mistakes which would cause enormous damages to be given in any action brought against them. The last state of that Government would be worse than its first, and they would soon bitterly regret having asked for this extraordinary and undefined power. The moral strength given to a Government by such a Bill as this depended very much on the unanimity with which the powers it conferred were passed. He did not believe there was any part of the Bill against which so strong a minority would vote as against the retention of this odious and uncertain word. He should be reluctantly compelled to form one of the minority; but the Government would do a gracious and conciliatory thing, and would greatly strengthen their hands in carrying the remaining clauses of the Bill, if they retired from pressing the word and adopted the Amendment.

Mr. CLAY said, his hon. and learned Friend (Mr. Denman) seemed to have serious apprehension that the power conferred by the clause was likely to be abused. Now, he would not dispute that the power was capable of great abuse, and that by its means innocent persons might be punished for acts which were not evil in themselves, and in which they had no evil intention. But it must be remembered that the circumstances in Ireland were so exceptional that an exceptional remedy was required. The power was a large and dangerous one; but was not any large power liable to abuse? The practical question was, could Parliament trust the present Government with a power which might be abused? He did not believe that half-a-dozen persons thought the power was likely to be abused, and he said this not as a special compliment to the present Government, for he would say exactly the same of the Gentlemen opposite if they were in Office. The fact was that, in the present social condition of this country, and with the vast power of public opinion—which all public men very properly dreaded—it was impossible that any Government could abuse such a power. Should it be abused, be the consequences on their heads, but for his part he cordially and cheerfully trusted them.

Question put, "That the words 'or seditious' stand part of the Clause."

The Committee *divided*:—Ayes 333; Noes 56: Majority 277.

Mr. M'CARTHY DOWNING said, he rose to move the insertion of words in the clause, the effect of which would be that the Lord Lieutenant, on being of opinion that a newspaper contained treasonable or seditious matter, might thereupon instruct the Attorney General to file an indictment, or *ex-officio* information, and then issue a warrant for seizing the newspaper and all the printing materials. If afterwards a verdict was found for the Crown, all the plant so seized would be forfeited to the Crown. He thought that Amendment would meet all that the Government could require. The Solicitor General for Ireland (Mr. Dowse) had stated that the provision in the Bill was necessary, as the Government would not otherwise be able to get a verdict; because one man on the jury holding out would prevent a verdict from being returned. But, on the other hand, what hope would there be for the editor of *The Irishman* or *Nation*, whose property might be confiscated, to obtain a verdict, for was it not more likely that one juryman would hold out for the Crown? One part of the clause in the Bill stated that all papers deemed treasonable or seditious, wherever printed, might be seized in Ireland. Now, there were in London, and other large English towns, a great many Irishmen disaffected to the Government; and supposing a paper or engraving published in London infinitely worse than any printed in Ireland, sent over to Dublin, it might be seized in the latter city, while the property in the office in London where it was published was left unmolested. He held in his hand a remarkable cartoon, printed and circulated in London on the 16th of October, in a paper called *The Tomahawk.* It represented on one part a bully, described as a "heartless, cruel, brutal, and grasping" Irish landlord turning a poor Irishman out of his holding; and, on the other, the evicted tenant was depicted behind a hedge, with the landlord lying in the road shot dead. The publication of such a document as this merited the condemnation of the House, and if English and Scotch Members would by large majorities apply the present measure to Ireland, he wanted to know why a clause should not be introduced to render it applicable to such publications as *The Tomahawk*, printed in the City of London, or elsewhere. A paper with such cartoons published in London, going over to Ireland and circulating there, would be far more mischievous than if originally printed in Dublin. Would the Solicitor General for Ireland introduce a clause to meet such cases? The hon. Member moved an Amendment to the effect he had described.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he hoped the Committee would not consent to the Amendment proposed, which would alter the entire framework of the clause. Under the guise of a technical Amendment, it would completely change the whole proposed legislation on the subject. The vote just given and the discussion which preceded it all went on the assumption that those extraordinary powers were to be conferred on the Lord Lieutenant, and that he, acting upon them, under such advice as he could procure, should seize the paper, plant, and material, as forfeited to the Crown; but the Amendment insisted, as a preliminary, upon the commencement of legal proceedings against the paper, and that those proceedings should be brought to a successful termination; and if they were not brought to a successful termination, the result would be that everything which had been done would be undone, and the party would be remitted to his original position. He did not say that such a proposition could not under other circumstances be considered, but it could not be considered in this case. If the Amendment were adopted, the clause would become such a specimen of Parliamentary patchwork as had never before been exhibited. With reference to the cartoons referred to, he certainly did not admire them. He considered, however, that they were very different from those contained in the papers he referred to, and had a different object in view. These considerations were beside the Amendment of the hon. Member; the real objection to it was that if it were adopted, it would require that the Lord Lieutenant before seizing a paper in Dublin should institute legal proceedings against the proprietor or publisher, who might live in New York or London.

SIR JOHN GRAY said, he wished to draw attention to the fact that the Solicitor General for Ireland had not answered the question which his hon. and learned Friend (Mr. Downing) had put to him—whether, if the article inculpated were produced in England, the same law should not reach it? The Government should at least deal impartially in the matter. He trusted the Solicitor General would answer the question definitely and distinctly.

Amendment *negatived.*

MR. M'MAHON said, he objected to the words in the clause which would enable the Government to seize all printing presses, engines, machinery, and other plant found upon the premises as well as the actual types and paper employed in printing the seditious matter. He would beg to move in lines 9 and 10 to leave out "engines, machinery, and other plant." As the clause now stood, if *The Tomahawk* was sent to a publishing house in Dublin all the machinery could be seized as being "in or about the premises where such newspaper is published."

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, the argument of his hon. Friend, if good for anything, would extend to type as well as the engines; for type might equally with them be used in printing matter which was not seditious. Without going into the question as to whether objectionable papers printed in London could be seized in Dublin, he might state that engines and machinery in the place where such papers were found would plainly not be liable to seizure, as these would not be "materials used or employed in the printing or publishing" of such newspaper.

Mr. BAGWELL said, it appeared that this was to be the result of all their discussion—a certain class of printing offices in Dublin was to be prosecuted and broken up, while exactly similar establishments in London, in Liverpool, or even in Holyhead, which was but three and a-half hours' journey from Ireland were to be left untouched. Were these offices to be at liberty to publish any amount of Irish treason and sedition, and to excite to murder and agrarian outrage, and action to be taken only when the paper so published was found in Ireland? Were the police only to be at liberty to seize the well-thumbed copies after they had been read in every forge and shebeen house in Ireland? ["Oh, oh!"] Hon. Members might exclaim, but that would be the operation of the Bill. It was, accordingly, a measure for throwing hundreds of men out of employment in Dublin, and putting the trade of sedition into the hands of starving artizans in this country. It would not stop the publications, at which the Bill was aimed. A measure more useless, more irritating to Ireland, or more certain to recoil upon its projectors, he believed had never been brought in since England had governed Ireland. The people of Ireland would say that they could not expect reasonable or just legislation from the British House of Commons.

Mr. STAVELEY HILL said, he thought it very unjust that printing establishments, engaged in perfectly legitimate operations, should be in danger of seizure and forfeiture to Her Majesty because of some paragraph held to be seditious which might be slipped into a newspaper printed on the premises. Under the French Press laws, the most stringent then in existence, the *Courrier de Dimanche,* a highly seditious paper, was suppressed in 1866; but not until after that paper had received eight warnings, and had undergone two suspensions and one judicial condemnation for exciting hatred and contempt of the Government. The effect of the Bill, he feared, would be to destroy not alone property which the Government might wish to destroy, but property of innocent and loyal persons, and so to excite a feeling of insecurity throughout the whole of the printing trade in Ireland, and deteriorate the value of all newspaper property.

Sir JOHN GRAY said, a practice existed in London and other large towns under which a single office contracted for the printing of perhaps a dozen different newspapers. The papers were put together elsewhere, and the contractor performed the merely mechanical work of printing. Yet the Government proposed to visit that printer with the penalty of seizure, which they intended for the authors of those publications.

Mr. CHICHESTER FORTESCUE said, the Government would have no objection to insert provisions in a subsequent part of the Bill to the effect that the engines and type should be preserved intact, pending the result of an action by the person who felt himself aggrieved.

Mr. BRUEN said, he wished to point out that, as Her Majesty's Government had undertaken to give one preliminary warning to the newspapers intended to be proceeded against under the Bill, it was impossible that a paragraph slipped in accidentally could be attended with the penal consequences which had been suggested. He hoped, however, that the Government would introduce some provisions preventing seditious matter printed in England from finding its way to Ireland.

Amendment *negatived.*

Mr. CALLAN proposed in line 14 to leave out "shall be forfeited to Her Majesty," and insert—

> "May be seized under the warrant of the Lord Lieutenant and detained, pending the prosecution of the publisher of such newspaper."

His object was to provide a safeguard to the publisher, and to ensure a decision by a jury on the nature of the publication alleged to be seditious.

Sir ROUNDELL PALMER said, this was simply a repetition of what had already been moved by the hon. Member for Cork (Mr. Downing), and was a matter rather of form than of substance; because, unless the character of the publication was such that the articles were liable to seizure, there would be no forfeiture. This clause did not determine what steps should be taken to make the forfeiture effectual; but it gave the Lord Lieutenant power to seize the plant of a newspaper on his being satisfied that there was some ground for making such seizure. It was not intended to destroy the plant so seized, but simply to detain it, in order that it might be restored to the owner in the event of subsequent legal proceedings terminating in his favour. In that case the owner would obtain restitution and such damages as he might be able to recover.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, there was a difference between providing for the detention of the property and insisting on a prosecution for seditious publications. This was not the proper time to discuss the question of detention.

MR. BRADY said, the Government would be bound, if they seized the machinery, to keep it in order; for if they did not, and the subsequent proceedings went against them, a larger amount of damages would have to be paid. But that was not all that the hon. Member (Mr. Callan) desired. It would be very hard to destroy a man's opportunity of getting his livelihood by keeping his machinery unused.

MR. CALLAN said, he would withdraw his Amendment.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, in order to carry out the views of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) he would beg to move in line 16, after the word "Where," the insertion of the words "after the passing of this Act."

Amendment *agreed to.*

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. MAGUIRE said, he objected to the clause, and would take the sense of the House upon it.

MR. CHARLEY said, he must also object to the clause. If there was in the Irish newspapers one thing more valuable than another, it was their free discussion of the acts of their clergy. This clause would place in the hands of the Chief Secretary the power of crushing that discussion.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 255; Noes 29: Majority 226.

Whereupon, the Deputy Serjeant at Arms being come with a Message for the House to attend the Lords Commissioners, the Chairman left the Chair.

Mr. Speaker resumed the Chair.

And it being now Seven of the clock, House adjourned till Nine o'clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

STAMPS ON LEASES.—OBSERVATIONS.

MR. BOURKE, who had given notice to call attention to the subject of Stamps upon Leases, said, as he was anxious, like other hon. Members who had Notices for that evening on going into Supply, to comply with the wishes of the House, he would not on that occasion bring forward that very important question; but would now content himself with intimating that on Monday next he would move for leave to bring in a Bill relating to it.

Motion, by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

PEACE PRESERVATION (IRELAND) BILL—[BILL 75]—COMMITTEE.

(*Mr. Chichester Fortescue, Mr. Secretary Bruce, Mr. Solicitor General for Ireland.*)

Bill *considered* in Committee.

(In the Committee.)

Clause 28 (Power to Lord Lieutenant to issue warrant to search for and seize newspapers, printing presses, types, &c.)

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) moved, in line 20, to leave out the words "newspaper printed or circulated in Ireland," and insert "such newspaper as aforesaid."

Amendment *agreed to.*

MR. HENLEY said, that as the Bill was drawn, it was not necessary that the person whose property was seized should have had any exact notice of what it was he was charged with. That section said there might be a warrant in the form annexed to the Act, or to the like effect; and the form so annexed said that either the matter complained of might be set out or a copy of the newspaper might be annexed. There might be two, three, or half a dozen newspapers in which the matter complained of was contained; and then by the later schedule, where the party might plead, he was allowed to plead what was set out in the warrant. Therefore, the man who had his property seized might have half a dozen newspapers tacked to the warrant, and out of that half-dozen newspapers he would have to pick out what it was the Government complained of. That was how he read that and the following section, together with the warrant and the defence under Schedule C. It was said, indeed, that the endorsement of particulars was to describe or state the matter or the engraving on account of which the seizure was made as in the warrant; but if the particulars were not set out in the warrant and the newspapers only were annexed, he could not see how the man would be able to judge of what it was that he was accused. That, however, might easily be set right, and he now called the Solicitor General's attention to it.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, that when they came to the Schedule the observations of the right hon. and learned Gentleman would be considered.

MR. HENLEY: I am not learned; don't call me names.

MR. MAGUIRE said, he wished to know what was meant by applying the word "suspected" to the type, machinery, and materials employed?

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, the only explanation the Government had to offer was, that it was part of the original design that the Lord Lieutenant should have power to issue his warrant for the seizure of matters suspected to be employed in the printing and publishing of the paper, and that the possession of such powers was deemed of importance by the Irish Executive. He might, however, say, that in carrying out the views of the hon. and learned Member for New Ross (Mr. M'Mahon) they proposed in another clause to give damages to the person whose materials had been seized, if it should appear that they had not been used or employed, or had not been reasonably suspected to have been used or employed in the printing of seditious publications. He would have no objection to insert the word "reasonably" before "suspected" in the clause, if his hon. Friend would move to that effect.

MR. MAGUIRE said, it was almost a farce to do so.

MR. MOORE said, that after what had occurred he thought the worse the clauses were the better. The only further protest the people of Ireland could make against the Bill was defiance.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, the word "reasonably" would be inserted on the Report.

MR BAGWELL said, the Solicitor General had stated he was only carrying out the original plan of the Government. It was the first time that word had been used, and he was obliged to his learned Friend for it. When his learned Friend had more experience he would hardly make such a frank and honourable admission. Ireland had been now legislated for—he said it with sorrow, but with sincerity—in a manner such as no Minister, however powerful and great, had ever before attempted.

Clause *agreed to.*

Clause 29 *agreed to.*

Clause 30 (Action in case of illegal search or seizure).

MR. M'MAHON said, he thought that the time in which actions might be brought against the Government should be extended from fourteen days to two months. He begged to move, in line 23, to leave out "fourteen days," and insert "two calendar months."

Amendment *agreed to.*

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) moved an Amendment to omit the words "out of the Consolidated Fund," and insert "out of moneys to be provided for that purpose by Parliament."

MR. WHALLEY said, he must confess that, as it appeared to him, the hon. and learned Member for Richmond (Sir Roundell Palmer) seemed last evening in his exposition of "verdicts" and "judgments," to have exhausted all his constitutional sympathies, and certainly his knowledge of common law, and he (Mr. Whalley) was compelled out of sheer agony of mind, to express his belief that this measure would not only fail in accomplishing the object they all had in view, but would, for the first time within his experience, give Irish agitators a real grievance. He desired, as an English Member, to know in what respect the Consolidated Fund would be rendered liable for the payment of these damages, and how far, under the operation of this clause, the Irish Executive would be excused from the ordinary results of excess of zeal and arbitrary conduct?

MR. GLADSTONE said, that the effect of the Amendment just proposed by his hon. Friend the Solicitor General for Ireland was merely to establish the responsibility of the Government in its sharpest and most practical form. If the damages were to be paid out of the Consolidated Fund, the payment would be made as a matter of course, and nothing more would be heard of it; but under this arrangement, while there would be no delay, it would be brought under the notice of Parliament, and he did not envy the feelings of the Lord Lieutenant or the Government through whose miscarriage of justice such damages had to be paid.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 31 (Forfeitures under this part of this Act to be in addition of other penalties).

MR. MAGUIRE said, he objected to the clause, and would take the sense of the House upon it.

MR. GLADSTONE said, the Government had satisfied themselves that they could safely do without this clause, and, therefore, they had no objection to its being omitted.

Clause *struck out.*

Clause 32 (Term "newspaper").

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he proposed in line 18, at end, to add the words—

> "And shall also include any series of newspapers, whether printed on one day or on different days, and with one name or different names."

The Lord Lieutenant had power to seize a newspaper; but he desired to provide against the possibility of a newspaper changing its name from day to day, and thereby evading the Act.

SIR JOHN GRAY said, the proposed alteration involved both difficulty and injustice. The clause ought to contain some words which should make it necessary to identify the two newspapers as being published in the same office, or under the same direction, or it might happen that one man could be punished for what was done by another. He took the opportunity of referring again to the debate in which the late Sir Robert Peel and Mr. Cobden took part, and the observations which the right hon. Gentleman at the head of the Government had made thereon, and disclaimed having had any intention of misleading the Committee by the statement which he made at the Morning Sitting.

Amendment *agreed to.*

Words *added.*

Clause, as amended, *agreed to.*

Clause 33 *agreed to.*

Clause 34 (Gunpowder makers and dealers, within thirty days after commencement of Act, and afterwards monthly, shall return account of their stock to chief officer of police, and keep books with accounts of sales, &c., to be inspected and stock examined).

MR. HERMON said, he would suggest the omission of the words, "maker or manufacturer." No contraband trade could be carried on by such persons. The powers of search given to the police might be extremely annoying to manufacturers, while the penalties were insufficient.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, that the persons the hon. Member for Preston (Mr. Hermon) had in view would not be harassed or annoyed under this clause. Although the Bill had been before the country for some time, the Government had not received any remonstrance from such persons, of whom there were very few in Ireland. The clause might be a hardship on a large manufacturer; but such a man could not be excluded from a general clause, which was, however, intended to apply rather to men who made small quantities of gunpowder, and used a part of it themselves and sold the remainder. The hon. Member might rest assured that no respectable maker would receive any annoyance.

SIR JOHN GRAY moved to insert words placing Greek fire under the same restrictions as gunpowder. Greek fire was easily made and was most dangerous.

MR. BRUEN said, the object could be gained by striking out the words in Clause 3, "used for the explosion of fire-arms."

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he was afraid that if once they attempted to deal with explosives other than those used with fire-arms, they would open the great nitro-glycerine question, which would result in endless discussion.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clauses 35 and 36 *agreed to.*

Clause 37 (Power to grand jury to present compensation to be paid in certain cases of murder or maiming).

MR. BRUEN said, he would beg to move the postponement of the clause, in order that the Government might reconsider it. The Amendments of which notice had been given were numerous and important, and it would be far better that the Government should deal with the matter. The persons who ordinarily served on coroner's inquests in the country parts of Ireland were of that class who would have to pay compensation under this clause, and they would be very unwilling to return a verdict of murder against anyone when the effect would be to cause the imposition upon themselves of a fine by the grand jury. It was difficult at present to obtain verdicts in Ireland, and this clause would aggravate the evil. In too many cases a verdict of simple homicide would be found. In his opinion, the power proposed to be given to the grand juries would place them, if unsupported, in a very invidious position. He thought that the grand jury should be supported by some previous investigation; but the evidence must be much stronger than that adduced to prove the mere *primâ facie* case on which the grand jury at present returned their verdict; and, above all, it would be necessary that the coroner's jury should be brought from a district which would not be affected if compensation for the outrage was levied.

SIR FREDERICK W. HEYGATE said, he would support the Amendment. He should infinitely prefer that the duty of awarding compensation devolved on the Judge rather than on the grand jury, an uncertain body depending on the nomination of the Sheriff. He knew his right hon. Friend the Chief Secretary for Ireland would say there was a precedent for the clause in 3 & 4 *Vic.* c. 116, which empowered the grand jury to give compensation in the case of persons killed or injured in consequence of the discharge of their duty as jurors, witnesses, or peace officers, but this power had been but rarely acted on. He thought that at least there ought to be an appeal from the grand jury to the Judge.

MR. CHICHESTER FORTESCUE said, he would admit that, however important this clause might be, it was not easy to work it out in practice. His hon. Friend (Sir Frederick W. Heygate) was right in supposing that this clause was an enlargement of the power in the statute to which his hon. Friend referred, and which had been exercised very sparingly. He thought it would not be desirable to have the presentments under this class considered in the first instance by the presentment sessions, in the same way as compensation for malicious injury to property under the existing Act. Having regard to the manner in which presentment sessions were composed, the Government were not inclined to yield to that proposition. In the opinion of the Government it would not be safe in districts now in the state in which certain parts of the counties of Mayo and Meath were to leave the question of compensation to be decided by a class who were the most subject to that very terrorism and intimidation against which it was sought to provide. On the other hand, some Gentlemen of great weight thought that power should be left in the hands of the Lord Lieutenant of Ireland solely. In his view it would be difficult for the Lord Lieutenant to exercise such a discretionary power. True, it might be said his Excellency had at present an analogous power in regard to sending down extra police to certain districts and charging the expense upon those districts; but that was in many respects a different case from the present one. Where a district required an additional police force it was but right that it should pay its cost; and, moreover, the cost of such extra police per man was a definite matter easily calculated in the Constabulary Office. But in this case, on the contrary, there was a wide discretion left to the authority, whatever it might be, to assess damages, which discretion, he thought, could not be most advantageously left in the hands of the Lord Lieutenant. For its proper exercise local knowledge would be required; and perhaps it would be necessary to hear evidence as to the state of the district and the extent of the area over which the compensation should be levied. That local knowledge the grand jury would either possess or be able to obtain, and they ought to be able to act firmly and wisely in the matter. On the other hand, being interested in the taxation of the county, the grand jury would not be likely to levy an extra tax without good reason. They had also the power of considering that, like other fiscal matters, in open court, of hearing evidence in the face of the public, and coming to a proper conclusion. He agreed with the hon. Baronet who spoke last that it would be well to add something more to the clause as it stood. Although he was strongly inclined to believe that the grand jury was the best authority to intrust in the first instance with that discretion, he was not for leaving them without some check upon them. It would be an improvement to introduce words into the clause—to be brought up on the Report—providing that any ratepayer might appeal from the decision of the grand jury to the going Judge of Assize, who should hear the case without a jury and decide it on his discretion and, if the decision went in favour of the ratepayer, the Judge should have power to award him costs.

COLONEL FRENCH said, by an Act, 6 & 7 *Will.* IV., a power very much resembling this was given to the grand juries in Ireland to levy compensation from the county at large or the barony for personal injuries; and in some cases such compensation had been awarded to persons who had been maimed or killed in the discharge of their duty, so that the clause was to all intents and purposes already the law of the land. The local knowledge required for the proper exercise of such a power as that proposed would not be possessed by the Lord Lieutenant or Privy Council; the grand juries, who added to their local knowledge a deep interest in the maintenance of tranquillity in their counties—as well as the prudent exercise of this power—were the only bodies to whom it could prudently or safely be entrusted. He did not see any object that would be gained by the postponement of the clause.

MR. SYNAN said, that the clause had been framed according to the Act 6 & 7 *Will.* IV. c. 116, s. 106; but whilst that was limited the present clause extended to all presentments.

DR. BALL said, it was quite plain, from the observations of the hon. Member for the county of Carlow (Mr. Bruen) and the hon. Baronet the Member for the county of Londonderry (Sir Frederick Heygate)—than whom he knew no two better representatives of the opinions of grand juries—that the proposition of the clause, giving this jurisdiction to the grand jury, did not find favour with many gentlemen of influence and station. There was, however, another difficulty. The process of proceeding by grand jury would be too slow. If an outrage were committed immediately after an Assize there could be nothing done about it until the next, and then, as the Act was to expire in August, 1871, it might happen that the tax could not be levied at all. Then there was another objection. If the tax were levied by the grand jury it would be levied as part of the county cess; and when the taxpayer was asked to pay it, how would he know that it was imposed by way of punishment for outrage committed in the district, and not for repairs of roads or other such purposes? Now, the proposition to which he wished to call the attention of the Committee and the Government was this—whether the power might not be intrusted to the Lord Lieutenant not individually, but in Council. The advantages of such a mode of levying the tax would be considerable. In the first place, there was in the Privy Council in Dublin, owing to the number of Judges who were members of it, a machinery for investigation which might be carried on with as much accuracy as if it were a judicial proceeding. Up to this very moment the Privy Council had been repeatedly acting as a tribunal in closing burial-grounds, and in other cases of that character. And their action, too, could be prompt. If a tax of this kind was to be levied it should be immediate. Secondly, the proceeding should be conducted as much as possible in a judicial manner; and, thirdly, it should be in such a form as to convey to the mind of the person paying the tax a keen and acute perception that it was owing to an outrage in his neighbourhood. In fact, it should be punitive. If the proposal he had suggested were adopted, these several advantages of immediate action, judicial proceeding, and separate taxation, seemed to be all attained, while no embarrassment would arise from the temporary nature of the Act.

Mr. HENLEY said, he wished to ask the Solicitor General for Ireland whether, in the case of an aggravated manslaughter, the tribunal would have jurisdiction—because the words used were "murder" and "murdered?"

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he was of opinion that, as the words of the clause at present stood, aggravated manslaughter would not be included. The form of indictment for manslaughter was "feloniously to kill and slay," while for murder it was "feloniously to kill and murder." He would ask hon. Members to allow this clause to pass, and tomorrow the clause, in another and improved form, would be brought up on the Report.

Colonel VANDELEUR said, he thought that the same notices should be given with respect to the special presentments under this measure as were given with reference to the ordinary presentments. They should be exceedingly careful in taking the preliminary steps.

Mr. M'MAHON said, he hoped that the Government would, as far as possible, confine the scope of the clause within the existing line of the county law, so that compensation should only be given in cases of murder or maiming. A man might claim compensation for a shock to his system, and after he had obtained it be suddenly and miraculously cured.

Colonel WILSON-PATTEN said, that while it was generally felt that the object of the clause was a good one, it was also generally felt that these duties were ones which ought not to be confided to grand juries. It was a natural objection; because the grand jury might have to assess damages for persons with whom they were immediately connected, and thus a feeling might be created that they acted with partiality. The better policy, he thought, would be to postpone the clause for the present, to enable the Government to see whether they could not devise some other means of securing the same result.

Mr. BRADY said, he objected to this power of heavily fining a county or barony being placed in the hands of grand juries. It would be impossible for grand jurors to act in a judicial spirit in awarding compensation for agrarian outrages. Moreover, if this clause were carried into effect, bullets would be sent through men's coats—and any individual feigning nervousness and mental excitement would succeed in getting a medical certificate to the effect that his life was in danger, or his health seriously impaired. A large number of the cases at present disposed of by grand juries under the Act relating to malicious injuries were got up for the purpose of taking money from the ratepayers. Then as to the appeal to the Judges, he did not think that any cesspayer would go to the expense of appealing to a Judge. He should oppose the clause.

Mr. W. R. ORMSBY-GORE said, he would cordially support the clause. He believed that the levy of compensation would have a most salutary effect. He remembered a case which occurred in 1848, in Leitrim, and which very much strengthened this opinion. Captain M'Leod, a stipendiary magistrate, was shot by an assassin at his own gate. The grand jury made a presentment of £500, and ordered it to be levied on the barony, and the result was that a district where violence and disorder had previously been rife at once subsided into good order and obedience to the law. One practical example was worth 10,000 theoretical and hypothetical arguments; and he felt certain no hon. Member who really desired to quiet Ireland would object to the stringent and exceptional legislation now proposed by Her Majesty's Government.

Mr. BAGWELL said, he would support the clause; but he trusted such an alteration would be made in it as to secure that investigation should, in the first instance, be made near the spot at which the outrage happened to have been committed. He thought there should be first an inquiry before the baronial session in the locality of the outrage; then before the grand jury, with counsel on both sides; and afterwards, whenever any complication arose, by appeal before the Judge, also with the assistance of counsel. He hoped Dublin Castle would not be mixed up with these matters, because such a step would destroy the confidence of the people interested.

Lord CLAUD HAMILTON said, he wished to hear from the Solicitor General for Ireland in what manner the necessary evidence was to be brought before the grand jury on which their decision was to be based. In criminal cases the grand jury only heard the evidence on one side—that of the prosecution; but in fiscal matters evidence was heard on both sides. It would be unjust that persons should be mulcted in a heavy penalty without having been furnished with ample notice, so that they might obtain the assistance of counsel if they desired it, with the view of setting up a rebutting case. He could not see that the clause, as it stood, provided the machinery requisite to secure that object; and without some such provision, it would operate neither justly nor efficiently. With regard to the proposal for referring the matter to the Lord Lieutenant in Council, he did not well see how any evidence could be brought forward except that of the police and the stipendiary magistrates.

MR. M'CARTHY DOWNING said, that unless an inquiry were made on the spot there would be nobody to represent the ratepayers, by whom the penalty was to be paid. He concurred with his hon. Friend the Member for Clonmel (Mr. Bagwell) in the opinion that the presentment ought, in the first instance, to go before the presentment sessions, and then before the grand jury.

MR. COGAN said, he also thought it would be objectionable that this matter should originate with the grand jury. He did not see why the same process as was adopted in the case of malicious injury to property should not be carried out in the case of malicious injuries to person.

MR. W. H. GREGORY said, he had the strongest objection to that clause—an objection founded on his great experience as foreman of grand juries. It would be impossible to sift the evidence and conduct the inquiry satisfactorily in so tumultuary an assembly. Of all tribunals in the world the grand jury was the least fitted to take cognizance of matters of this description. The question should go before some other tribunal in the first instance; but there might be an appeal to the grand jury if that were thought desirable.

SIR JOHN ESMONDE said, the assessment of damages would be an invidious office, and there would be difficulty in determining upon what districts or baronies the assessment should be levied. He hoped the Government would postpone the clause.

MR. CHICHESTER FORTESCUE said, the discussion had been of a negative kind, and while it had shown the difficulties, it had done little to show the way out of them. Under these circumstances, the Committee would, perhaps, allow the clause to be passed as it was, and then the Government would consider the best mode of amending it upon the Report.

LORD CLAUD HAMILTON said, he hoped the Government would also consider who was to prosecute and collect the evidence for the purposes of the inquiry.

Clause *agreed to.*

Clause 38 (Moneys levied as compensation under this Act, or 6 & 7 W. 4. c. 116. s. 106., or for extra police under Peace Preservation Act, to be paid by occupiers of houses).

MR. M'CARTHY DOWNING said, he objected, in the strongest manner, to this imposition being made on houses alone. The rentals of the tenants of holdings on townlands might be £4 or £5 a year, and under this clause such tenants might have to pay an assessment of £10 each, while tenants valued at £50 or £100 could not pay more. Such a thing was not to be tolerated. What he proposed was, that this impost should be paid as the poor rate was paid, by the tenant in the first instance, and that he should deduct a moiety of the charge from his rent. He had no objection to say that the property of the landlord who had been murdered should be exempted. It was monstrous to think of levying this money upon the poor people who could hardly pay their rents. In conclusion, he begged to move to leave out from "applotted" to end of clause, and insert—

"Assessed and levied in the same manner and by the same means in all respects as grand jury cess is now by law levied: Provided always, That every tenant or occupier shall be entitled to deduct from the rent subsequently payable by him a moiety of such assessment or cess, as if the same was poor's rate, and no more, notwithstanding that the valuation of his holding may be under four pounds."

MR. H. A. HERBERT said, that according to this Amendment, a landlord would not only have to be shot, but would have to pay for being shot.

MR. W. H. GREGORY said, he could not agree with the hon. Member for the county of Cork (Mr. Downing) in condemning this clause, which he believed to be an important and valuable provision. The great object of the Bill was to deter from the commission of crime. We all knew that outrages were committed with persons standing by who would not interfere to prevent them, and that there were others who could but would not aid in the detection of criminals. It was only fair that where there was a strong presumption that localities were implicated they should pay a penalty, and this was the only way in which they could be reached. The object could not be gained by levying the rate on the owner of the land, who might be absent; and, indeed, he was not the person who ought to be punished; punishment ought to fall on those who would not do what they could to prevent the commission of an offence, and who would not afterwards give information with a view of bringing the offenders to justice. For these reasons he would support the clause.

Mr. SYNAN said, that under this clause the tenant of a £40 holding would pay no more than the tenant of a £4 holding, if the difference were due to the quantities of land and not to the values of the houses; and surely this would be a gross injustice. He admitted that the charge ought to be paid by occupiers, and not by landlords; but occupiers of land ought to pay equally with occupiers of houses, and the tenant of a large holding ought to pay more than the tenant of a small holding.

Mr. MAGUIRE said, he should like to hear the case in support of the Amendment answered from the Treasury Bench.

In reply to Mr. M'Carthy Downing,

The CHAIRMAN said, it was open to the hon. Member, with the assent of the Committee, to withdraw his Amendment and move another in place of it.

Mr. M'CARTHY DOWNING then said, he proposed to move simply that the charge should be paid by the occupier as grand jury cess was paid, according to the valuation of the holding, so that there would be no injustice whatever. He trusted the Solicitor General for Ireland would accept that Amendment.

Mr. MOORE said, that if no answer were offered to what had been said, he should move the adjournment of the House.

Mr. W. H. Gregory

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, that the object of the clause was neither more nor less than that the occupiers of houses in the localities in which murders were committed should be made to pay. That intention was apparent upon the face of the clause; and he was really guilty of no discourtesy in not answering the question which had been addressed to him at that hour of the night, and after the long discussion which had been held. It was intended that the occupiers of houses should be made to feel by being made to pay for the offences committed in their neighbourhood, and past experience justified the hope that such a provision would have a good effect.

Mr. M'CARTHY DOWNING said, that the clause did not attain the professed object, because houses and land were valued separately. If the hon. and learned Gentleman would say "dwelling houses and the land thereto attached," there would be no difficulty.

Mr. MOORE said, that in his locality it would be impossible to levy the tax.

Dr. BALL said, he hoped the Government would not give way. The object of the clause was to take the penalty off the land and put it upon the houses, and he approved that object. It was a punitive clause, and its object would be defeated by relieving the class who screened a murderer.

Mr. MOORE said, he must again declare that in the county he represented it would be impossible to levy the tax in the way proposed. He was of opinion that parties ought to pay according to their means.

Mr. BRADY said, the clause, as it now stood, would bring the law into contempt.

Mr. GLADSTONE said, that he must adhere to the principle of this clause; but exceptional cases could be provided for in the clause just passed, which was to be amended on the Report.

Mr. WHITWELL said, he disapproved of the clause, because labourers would have to pay as much as farmers.

Mr. BRUEN said, the difference in the value of the houses very much followed the difference in the value of the farms, and he hoped the Amendment would be withdrawn.

MR. T. COLLINS said, as the clause placed a penalty upon the aiders and abettors of secret crime, the Government had taken the only course to make it effective. If the tax was levied upon land as well as houses, the greater bulk of it would fall upon a small proportion of the population.

MR. M'CARTHY DOWNING said, he would withdraw the proviso to his Amendment, and propose the Amendment in the following form:—

> "Assessed and levied in the same manner and by the same means in all respects as the grand jury cess is now by law levied."

Amendment, by leave, *withdrawn.*

Amendment proposed,

> In page 15, line 8, to leave out from the word "applotted," to end of Clause, in order to insert the words "assessed and levied in the same manner and by the same means in all respects as grand jury cess is now by law levied."—*(Mr. Downing.)*

THE O'CONOR DON said, that it was a monstrous proposal that a man occupying twenty or thirty acres of land should pay no more than the man occupying three or four acres, because both happened to live in houses valued at the same amount. In the West of Ireland houses on small and large holdings were valued at about the same rate, and an attempt to enforce this clause in its present form would cause a general rebellion. He hoped the Government would accept the proposal to levy the tax upon occupiers of land as well as upon houses.

MR. W. H. GREGORY said, he was prepared to support the Amendment in the form in which it was now proposed, because it would not be fair to levy the tax merely on the small owners, who were not so much the authors of the outrages as the larger farmers, who incited and hired others to commit them.

Question put, "That the word 'applotted' stand part of the Clause."

The Committee *divided:*—Ayes 143; Noes 34: Majority 109.

MR. CHICHESTER FORTESCUE said, he proposed to omit the last paragraph of the clause, relating to the levy of the expenses of extra police sent down to a district. These were not sent merely as a penalty but also as a measure of prevention, and therefore the ordinary arrangements for the levy of grand jury cess ought not to be disturbed.

Clause, as amended, *ordered* to stand part of the Bill.

Clauses 39 and 40 *agreed to.*

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he proposed, after Clause 15, to insert the following clauses, to facilitate the proof of proclamations:—(Repeal of provisions of Peace Preservation Act as to posting proclamations, &c.); (Printed copies of every proclamation, &c., to be issued under Peace Preservation Act, to be posted on or near door of one place of public worship in every parish, &c., in district). Also to leave out Clause 17 and insert a new clause: (Printed copies of every special proclamation to be posted, &c.).

Clauses *agreed to.*

MR. MAGUIRE said, he rose to move the insertion of a clause providing that three notices should be given to a newspaper—such notices to be served upon them at intervals of not less than a week—before the powers of the Bill were exercised. Three notices were usual in France, and the new Press law in this country ought not to be more stringent.

Clause (Notices to be given by Lord Lieutenant to newspaper proprietors,)—*(Mr. Maguire,)—brought up*, and read the first time.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, that the Government would to-morrow state the terms of the Amendment they intended to introduce into the clause, providing that notice should be given; but he could not accept the Amendment of the hon. Member for Cork (Mr. Maguire), as one notice would be quite sufficient for all practical purposes. No doubt three notices were given in France; but the circumstances of that country were very different. In the first place, those notices formed part of a general Press law; secondly, the offences for which newspapers were forfeited in that country were of a very different character from those contemplated by this Bill; and lastly, in France there were no actions for damages against the Government. Under all these circumstances, he hoped they would hear no more of France.

Mr. MAGUIRE said, the action for damages was altogether illusory as a remedy; and in France newspaper proprietors, at least, were not subjected to this mockery. Besides, France was amending its Press laws; whereas we were retrograding.

Motion made, and Question put, "That the Clause be now read a second time."

The Committee *divided:*—Ayes 18; Noes 105: Majority 87.

Mr. G. B. GREGORY said, he would beg to move the addition of a clause (Definition of the word "newspaper"), defining the word "newspaper" to mean a publication containing news or intelligence, and published in numbers or a series.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) hoped the hon. Member would not press the clause.

Clause *withdrawn.*

Schedule A.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he would beg to move to omit the words "or annex a copy of a newspaper containing same," to carry out the views of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley).

Amendment *agreed to.*

Schedule *agreed to.*

Remaining Schedules *agreed to.*

The Clerk Assistant informed the House that Mr. Speaker was unavoidably prevented by indisposition from resuming the Chair, during the present sitting of the House:—

Whereupon, Mr. Dodson, the Chairman of the Committee of Ways and Means, took the Chair as Deputy Speaker.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow*, at One of the clock, and to be *printed.* [Bill 88.]

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he would fix the consideration of the Report for to-morrow at one o'clock.

Mr. GLADSTONE: Sir, as in all probability much time will not be occupied in the consideration of the Report to-morrow, perhaps it would be desirable that we should then also read the Bill a third time.

House adjourned at One o'clock.

HOUSE OF COMMONS,

Saturday, 26th March, 1870.

MINUTES.] — Public Bills — *Considered as amended— Third Reading—*Peace Preservation (Ireland) [88], and *passed.*

Third Reading—Customs (Isle of Man)* [84], and *passed.*

The House met at One of the clock.

PEACE PRESERVATION (IRELAND) BILL—[Bill 88.]

(*Mr. Chichester Fortescue, Mr. Secretary Bruce Mr. Solicitor General for Ireland.*)

CONSIDERATION.

Bill, as amended, *considered.*

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, with a view to carry out the promise of the Government to provide that a warning should be given to newspapers before seizure, he would move to insert a new clause in lieu of Clause 27 (Newspapers containing treasonable or seditious matter, &c., forfeited to Her Majesty), providing that, in the case of any newspaper containing treasonable or seditious matter, the Lord Lieutenant may cause a notice, of which a form would be given in the Schedule, to be published in *The Dublin Gazette*, and to be served at or posted upon the house where such newspaper is published. If, after the publication and serving of such notice, the newspaper should contain similar treasonable or seditious matter, all printing presses, engines, machinery, types, implements, utensils, paper, and other plant and materials used or employed in printing or publishing such newspaper, or found in or about any premises where such newspaper is printed or published, and all copies of such newspaper, wherever found, would be forfeited to Her Majesty. As the clause originally stood, no notice was required. It had been a matter of grave consideration with the Government in what manner the notice should be given, and the conclusion arrived at was that both public notice should be given in *The Gazette*, and particular notice to the publisher by service at the place of publication. Whether any or what time should be allowed between the service of the notice and the suppression of the newspaper might be matter for consideration.

Clause (Newspapers containing treasonable or seditious matters, &c. forfeited to Her Majesty,)—(*Mr. Solicitor General for Ireland,*)—*brought up*, and read the first and second time.

Mr. BOUVERIE regarded this clause as a great improvement, coupled with the Amendment he saw on the Paper providing that the materials of the paper seized should be preserved in safe custody until any issue that might be raised had been tried, instead of their being destroyed in the first instance.

Mr. M'CARTHY DOWNING, while approving the clause generally, thought the mode of giving notice inadequate. He proposed that the notice should be served personally on the registered proprietor or his servant at the place of publication; or if such service cannot be effected, then by posting the notice on some conspicuous part of the premises. He thought also there should be some limitation of the time for service.

Amendment proposed,

In line 10, to leave out the words "at or posted upon such house," in order to insert the words "shall ten days at least previously be served on the registered proprietor of any such newspaper, either personally or by leaving the same with the wife, child, servant, or other inmate aged sixteen years or upwards, at the residence of such registered proprietor, and also a true copy of such notice shall be served at the house or premises where any such newspaper was printed or published, or purported to be printed or published, by leaving the same with the servant, clerk, or other person therein employed or resident, being of the age of sixteen years or upwards; provided that if such service as last aforesaid cannot be effected, or admission into the said house or premises cannot be obtained, then by posting on some conspicuous part upon such house or premises a true copy of such notice, between the hours of eight o'clock a.m. and two o'clock p.m.,"—(*Mr. Downing,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Clause."

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he was not disinclined to adopt a considerable part of the Amendment, because there could be no desire on the part of the Government not to give ample notice. He would introduce an Amendment in regard to time. As to the question of serving the notice on a registered proprietor, there was no such thing now in Ireland, nor had there been since the passing of a recent Act. He would suggest the hours from eight in the morning to six in the evening, and that four days' notice should be given.

Mr. CALLAN said, that the weekly papers went to press on Wednesday, and were published on Friday. He would suggest seven days.

Mr. GLADSTONE: The liberal proposition of the hon. and learned Solicitor General would allow in the case of daily papers four of those articles to be published before seizure. His hon. Friend (Mr. Callan) wished seven of them to be published.

Mr. MAGUIRE said, the Government, of course, desired to preserve the peace of the country; but the right hon. Gentleman surely would not maintain that such an amount of danger could arise within three days as to justify the Government in putting this extreme measure into force. If we were on the eve of a rebellion it might be desirable to suppress a seditious newspaper without the least delay; but in ordinary times to suppose that a newspaper article, or two or three following one another, would have any effect on the peace of the country, was to exaggerate their power most absurdly. Seven days was the very least time that ought to be given.

Mr. CANDLISH thought the difficulty would be met by enacting that the limit should be two days in the case of a daily paper, and seven days in the case of a weekly.

Sir JOHN GRAY was of opinion that a fixed number of days prior to the day of publication should be allowed to elapse.

Amendment, by leave, *withdrawn.*

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) moved to insert the words—

"When seven days have expired in the case of a weekly paper, or two days in the case of a paper published at intervals of less than one week."

MR. MAGUIRE pointed out that some newspapers in Ireland were published thrice and others twice a week. The provisions of the Bill might possibly be put in force in the most arbitrary and despotic manner, and two days' notice would practically amount to no notice whatever. Such papers as *The Dublin Evening Mail* and *The Irish Times,* for instance, which were now becoming "national," might be pounced down upon any day without anything like due warning. He hoped, therefore, the House would not act too precipitately in the matter. He thought four days should be allowed instead of two.

SIR JOHN GRAY thought two days' notice in the case of a daily paper was quite equivalent to seven days to a weekly paper.

MR. MAGUIRE said, he should not press his view on the question in opposition to that of so high an authority as his hon. Friend.

Clause amended and *agreed to.*

Clause 2 (Limitation of Act).

MR. WHALLEY suggested that the word "March" should be inserted instead of "August" in the second line, his object being to secure that the Act should expire on the 1st of March, 1871, instead of on the 1st of August in that year as proposed. It was of the utmost importance, he thought, seeing how stringent the provisions of the Bill were, especially as they affected the Press, and how strong the sympathy was which many hon. Members felt in the views which had been so ably expressed by the right hon. Member for Kilmarnock (Mr. Bouverie), that the measure should bear on the face of it all the evidence which it could be made to contain of its exceptional character.

Amendment proposed, in page 1, line 11, to leave out the word "August," in order to insert the word "March,"—(*Mr. Whalley,*)—instead thereof.

MR. CHICHESTER FORTESCUE objected to the proposed Amendment. He thought the 1st of March would be a most inconvenient time, should it be unhappily necessary to renew the Act, to bring in a Bill for the purpose, seeing that there was generally a great block of Public Business in the House in the months of March and May.

The Solicitor General for Ireland

MR. MAGUIRE thought the time suggested by the hon. Member for Peterborough was not altogether inconvenient, for the Members from Ireland would probably all be absent on the 1st of August. He thought the difficulty would be met by fixing the 1st of June.

MR. GLADSTONE pointed to the state of Public Business in the House of Commons in March and April. The House was then crowded with business; yet the hon. Gentleman wished to carve out another week in the very busiest time. If it should unfortunately become necessary to renew the Act, the Government would not, of course, wait for the end of August, but would bring forward any proposals which they might have to make on the subject in good time in the month of July.

MR. MAGUIRE said, that most of the Irish Members would have left in July and August.

Question, "That the word 'August' stand part of the Bill," put, and *agreed to.*

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) moved the following proviso to Clause 31, which was 29 in the old Bill:—

> "Provided always, that any chattels so seized shall be kept and detained until the determination of any action brought as hereinafter mentioned; and if such action shall be determined in favour of the plaintiff, being the owner of or entitled to the possession of such chattels, such chattels shall be restored to such plaintiff, and the jury shall take such restoration into consideration in mitigation of the damages to be awarded by them in such action."

Motion *agreed to.*

Clause 33 (Action in case of illegal search or seizure).

MR. BOUVERIE said, it was very properly provided that the warrant, a form of which was given in the Schedule, should state the grounds upon which the seizure was made, so that if a newspaper proprietor chose to dispute the justice of the seizure, he might know the grounds on which to go before a jury. But the clause contained an arbitrary provision enabling the Crown, in defending the action, to add to the proof any copies of the paper published before the seizure complained of. The Crown might, therefore, go back for any period of time, and in support of its case produce indiscriminately newspapers published six months or a year, or even three or four years, before the seizure. Now, he thought the production of new evidence should be limited in point of time, and Parliament should not allow a paper to be seized for one thing and condemned for another. In France such a limit existed. If copies of the paper were to be produced in aid of the defence of the Government for the seizure, he thought that they should require the old copies to be limited to papers published after the passing of the Act—for otherwise the Act would be retrospective—and within fourteen days of the seizure. If some such provision were not adopted, there would be a considerable extension of the law of evidence, for he found in the text-books that, upon a trial for seditious libel, some doubt was felt by the Court whether the Crown was entitled to quote even a passage in the same newspaper which was not set forth in the indictment. With some hesitation Lord Ellenborough decided that this passage might be adduced. But we were now going a great deal further. As the clause now stood any copy of the same paper, without limitation as to time, though it might have been written under totally different circumstances, and might be susceptible of an innocent explanation, might be produced in aid of the proof of the Government. With a view to raise the question he moved the insertion of words limiting such production of newspapers to those published "as well after the passing of this Act as within fourteen days of the date of the said warrant."

Amendment proposed,

In page 14, line 2, after the words "complained of," to insert the words "and as well after the passing of this Act as within fourteen days of the date of the said warrant."—(*Mr. Bouverie.*)

Question proposed, "That those words be there added."

DR. BALL said, he was not prepared to support the Amendment. It was necessary to bear in mind in what way publications other than those set forth in the indictment were given in evidence on a trial. The prosecution, the verdict, and the punishment must be based upon what was included in the indictment; but it was usual to give in evidence previously published numbers of the same newspapers—not for the purpose of establishing the specified offence, but to support the charge of malicious intent, which forms one element of the offence. The indictments usually charged false, scandalous, and malicious libel, and in support of malice, in an action against an individual, you were at liberty to show that at other times, and on other occasions, the persons who wrote or published the particular matter complained of had exhibited a similar spirit; because motive was more fairly to be ascertained from a series of published writings than from an isolated act of indiscretion. It would tend to weaken the case of the Government if they were driven to rely merely upon the articles put in issue, and it would be said they had only been able to impugn one or two publications; but that line of defence would be anticipated if the Government could say—"We have brought forward one or two articles as constituting the matter upon which the verdict is to be found; but we show that these articles are the successors of a series of articles tending in the same direction, and all having the same character." The liberty to adduce such evidence involved no great danger that the powers conferred by the clause would be abused, for the Judges would always control not as matter of law, but by intimation of opinion, the exercise of the right; they would not permit the Crown to put in a paper a year old, or several months old, or of any remote date—they would require that they should be of such recent date as to constitute, as it were, a chain of evidence as to the habitual tone and tendency of the journal in question. He thought this was a matter which might be safely left to their discretion, and to the respect uniformly shown by Crown Counsel to their suggestions. He did not oppose the object aimed at by the right hon. Member for Kilmarnock; but he opposed the laying down of a rule to limit the action of the Judge or of the public prosecutor.

MR. MAGUIRE said, if he understood the proposal of the right hon. Gentleman nothing could be more fair. Absolution was to be given in respect of the past; there was to be no punishment of offences committed before the passing of the Act; but if publications antecedent to the passing of the Act were to be put in evidence to support the allegation of malice, the Act would still have a retrospective effect.

Dr. BALL said, his comments applied only to the fourteen days' limit.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, the Government were willing to accept a portion of the Amendment, and to put in words limiting the power of the Crown to put in evidence only such articles as had appeared subsequently to the passing of the Act.

Mr. M'MAHON said, it would be best to accept the statement of law and practice made by the right hon. and learned Gentleman opposite (Dr. Ball), and strike out this part of the clause altogether.

Sir JOHN GRAY said, the concession offered did not meet the law of the case. When a journal was seized it was seized for a specific article published at a specific date. The proprietor of the journal was allowed to bring an action for the purpose of showing that the seizure, and consequent damage to his property, was unjustifiable; and surely there could be no justice in allowing the Crown, under such circumstances, to go back to an indefinite period in order to satisfy the jury, not that the particular article mentioned in the indictment was such as to justify the seizure of the journal; but that, at some previous period, other articles of a more or less seditious or objectionable character had appeared in its columns.

Mr. M'CARTHY DOWNING supported the Amendment. The Government were conceding nothing whatever, for by other sections the action of the Government was limited to papers published after the passing of the Act. It was obvious that, after the passing of the Act, it would be the duty of the Law Officers of the Crown to keep themselves acquainted with the contents of the Irish journals. If they found that a newspaper contained anything seditious they would give notice immediately; if they did not, they would abstain from doing so with a motive, and that motive would be that they might found a prosecution on five or six publications, which they could not found upon one. He maintained that immediately a paper appeared which contained a seditious or treasonable article notice ought to be given by the Government, under the terms of the Bill, and it would be unjust that they should be allowed to make up a case to go before a jury by dovetailing together any number of articles that had appeared from time to time in the columns of the seized journal.

Mr. SYNAN said, the provision under discussion was one for extending the law of evidence; if it were not, according to what had been said by the right hon. and learned Member opposite (Dr. Ball), it might be struck out of the Bill. His argument told as much against the clause as against the Amendment.

Dr. BREWER said, the difficulty arose from the reversal of the usual mode of proceeding; but as in this case the *animus* of the offence committed by a newspaper must be gathered from a series of acts, it was necessary that the power of accumulating evidence should be in the hands of the Government.

Mr. GOLDNEY said, the newspaper seized might on the face of it appear to be quite free from the charge of sedition, while in relation to previous publications it might be proved to be seditious. He therefore hoped the clause, as it stood, would be allowed to remain part of the Bill.

Mr. BOUVERIE observed, that as half a loaf was better than no bread, he should accept the proposal of the Government.

Amendment, by leave, *withdrawn.*

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) then moved the insertion after "complained of" of the words "after the passing of this Act." There was no intention on the part of the Government to produce any publications anterior in date to the newspaper seized as affirmative proof to support their defence. The newspaper seized was the only paper that would be tried. The proprietor would bring his action and the defendant would plead that the paper contained treasonable or seditious matter; but if there were allusions of a doubtful nature which were made as clear as light by the publication of the week before, such publication being after the passing of this Act, would be given in evidence, not for the purpose of being in itself a cause of complaint, but to throw light on doubtful matters.

Mr. MAGUIRE thought the Government ought not to put the Act in force, unless the article was so clear and distinct a violation of the law that there could be no doubt about it in the mind of any honest man. Nothing could be more unfair than that the Government should act in the way proposed. Let them have a fair, manly, stand-up fight with the journalist; but do not let them take an expression out of one article and another expression out of another paper and throw them all before the jury, making a constructive crime of it.

Mr. SYNAN hoped the House would not allow the laws of evidence to be changed by a side-wind. If the laws of evidence permitted what was now proposed, there was no necessity for this provision; if they did not, let not the House change the laws of evidence for the purpose of assisting the Government with this Bill.

Mr. GLADSTONE begged hon. Gentlemen to observe that the object of the words proposed to be inserted was to amend the clause in the sense of the hon. Gentlemen who were now opposing it. They did not go so far as was wished; but the Amendment was substantially a limitation on the clause. He suggested, therefore, that it would be well to let the words be inserted.

Mr. LOCKE said, he was at a loss to discover the use of the words proposed to be inserted. The evidence as to the nature of previous publications could be given for the purpose of showing that the particular publication in respect of which the seizure had been made was either treasonable or seditious; and this was similar to evidence which was now given in a number of cases to prove intent. He thought, therefore, the Government would do well to omit the words altogether from the section; because if they were contrary to the present law they ought not to be inserted; while if not contrary, they would be perfectly useless for the object the Government had in view.

Dr. BALL said, there was no extension of the present law of evidence, and the object was to show *animus*, which it might not be as fair to infer from one number of the newspaper alone as from a series connected with the one seized. He thought the Government had made a very large concession, and there could be no doubt practically in the direction which hon. Gentlemen below the Gangway advocated.

Amendment *agreed to.*

Mr. M'MAHON moved the insertion after the last Amendment of the words "within fourteen days of the date of the said warrant"—restricting the production of evidence in previous publications to a fortnight before the date of the warrant for the seizure of the newspaper.

Amendment proposed,

At the end of the last Amendment, to insert the words "and within fourteen days of the date of the said warrant."—(*Mr. M'Mahon.*)

Mr. SYNAN reiterated that the present Bill would change the whole law of evidence. The Government ought to accept the compromise proposed by his hon. and learned Friend the Member for New Ross (Mr. M'Mahon); for, under the present law of evidence, previous publications would not be admissible at all.

Sir JOHN GRAY also supported the Amendment, on the ground that the whole operation of the Act was based upon the impression produced upon the Lord Lieutenant's mind that there was on certain premises a newspaper which contained certain matter; and the person aggrieved took an action not for anything previously published or done, but for the paper seized.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, his hon. Friends were, in fact, not discussing the Amendment before the House, but the policy of the legislation which Her Majesty's Government intended to bring into effect in the earlier part of the clause. The hon. and learned Member for New Ross was reproducing an Amendment similar to the latter portion of that proposed by the right hon. Member for Kilmarnock and afterwards given up by him. Now, how would the Amendment work? Supposing a weekly paper containing treasonable or seditious matter was published on the 1st of the month, the Government must take some time to consider the effect of the publication before serving the notice. Supposing the notice served on the 3rd, the result would be that no action could be taken until seven days after the notice. Another paper would be published on the 8th, but the only paper the Government could seize would be the paper published on the 15th, and as it might not be seized until the 16th, the only paper which the Government could produce in support of their case would be the paper of the 8th, which might have contained nothing objectionable, and the paper of the 1st would be useless for their purpose, seeing that more than fourteen days had expired. The production and reference to preceding publications would be necessary in many cases, for one publication might contain apparently innocent expressions, yet expressions that previous publications of the same paper might prove to be of the most seditious or treasonable nature.

Question, "That those words be there inserted," put, and *negatived.*

Mr. M'MAHON feared that under the definition of newspapers in the Bill all that himself and his hon. Friends had been struggling against might be done, and that any number of newspapers might be presented to the jury in confirmation of the views of the defendant.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) replied that the proviso as to time would prevent that.

Clause amended and *agreed to.*

Clause 39 (Power to grand jury to present compensation to be paid in certain cases of murder or maiming).

Mr. M'MAHON moved to omit the words, "or otherwise injured in his person," his object being to confine the grand jury's power of giving compensation to cases of murdering and maiming, as under the existing law, whereas by this clause they were empowered to give compensation in cases of personal injury. Without such a restriction as he proposed shams and fanciful injuries, such as shocks to the nervous system, might be made the ground for unmercifully taxing the unfortunate ratepayers.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) thought the hon. and learned Gentleman must know very little of Irish grand juries if he supposed they would show undue consideration for nervous disorders. A man might be so beaten and injured, without being maimed, as to be unable to do a day's work; and he did not see why a person so treated should not get compensation. For that reason he thought the words now in the clause ought to be retained.

Amendment, by leave, *withdrawn.*

Mr. CHICHESTER FORTESCUE said, that he intimated the other evening, in consequence of the just criticisms of the noble Lord the Member for Tyrone, that the Government would agree that this clause should be amended in respect to the power of the grand jury to present compensation in these cases, and the mode in which they proposed to do this he would explain in a few words. The changes and additions he proposed to make amounted to this—that the grand jury should be put in motion by application from the parties interested, or their representatives; or, in default of such applications, by a notice from the Crown Solicitor on behalf of the Crown. In the next place, they proposed that there should be an effectual appeal to the going Judge of Assize, who, having all the witnesses before him, would be able to say whether the grand jury were right or not in their opinion. The Judge would also have the power of giving costs. The Amendment, as he should now give it, was not exactly the same as that on the Paper, although to all intents and purposes it would have the same effect, with one important exception. The Amendment, as it stood, had the effect of creating a delay that would have been very objectionable, by making it impossible to have an appeal tried until the next Assizes. This the Government had now endeavoured to avoid, by requiring sufficient notice to be given before the first Assizes, so that all persons interested might be present in the grand jury room and see what was going on; and, as the discussion would thus occur during the progress of the fiscal business, and before the Judge arrived, the appeal could be proceeded with immediately upon his arrival, all the parties and witnesses being upon the spot. Various suggestians had been made, but no other course of action presented itself which was equally workable, expeditious, and unobjectionable; and it certainly was a course much less tedious, cumbrous, and expensive than summoning witnesses all the way to Dublin. The right hon. Gentleman then moved a series of provisions to carry out the proposal of the Government.

Colonel FRENCH regarded the proposal just made by the Government, with a view of facilitating an immediate appeal, as one which would have the effect of saving both time and expense to the parties.

Mr. BRUEN still thought that the grand jury was not the proper body to award the compensation; but he regarded the Amendment proposed by the Government as an improvement in the clause. One or two verbal Amendments would be desirable in the clause as amended.

MR. SYNAN said, he did not think the Amendment now proposed was satisfactory.

MR. BRADY did not think the appeal given by the proposed Amendment was in reality an appeal at all. He asked the Government to reconsider the matter.

SIR JOHN ESMONDE moved that twenty-eight days' notice of appeal should be given, and that a copy of the notice should be published in a newspaper.

MR. STACPOOLE did not see why exceptions should be made in the case of applications for compensation under this clause, which ought to go before presentment sessions, in the same manner as applications for compensation for malicious injuries. Even if the presentment sessions did not grant the compensation, the opportunity would still remain for the parties aggrieved to go before the grand jury.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, that everything that was reasonable had been done with respect to this clause, which had given more trouble to the Government than all the rest of the Bill put together. He would, however, yield to the suggestion that the notice of appeal should be published in a newspaper.

MR. MOORE hoped the clause would have a deterrent rather than a punitive operation.

Amendment *agreed to.*

MR. SYNAN moved an Amendment, that it should be imperative that the notice should go to the grand jury presentment session.

Amendment proposed,

At the end of the last Amendment, to add the words " Provided that all such applications under this Act for any such presentment shall be first made and decided at presentment sessions, in the same manner in every respect as applications are now made under the authority of section one hundred and thirty-six of the said Act of the sixth and seventh years of the reign of his late Majesty King William the Fourth: Provided that the rejection or adoption of any such presentment by presentment sessions shall not prejudice the right of the grand jury from adopting or rejecting such presentment."—(*Mr. Synan.*)

MR. CHICHESTER FORTESCUE could not accept the Amendment.

Question, " That those words be there added," put, and *negatived.*

Clause 40 (Moneys levied as compensation under this Act, or 6 & 7 W. 4. c. 116. s. 106., or for extra police under Peace Preservation Act, to be paid by occupiers of houses).

MR. CHICHESTER FORTESCUE stated that, on re-considering the matter alluded to by the hon. Member for the county of Cork (Mr. M'Carthy Downing) last night respecting the charge on account of compensation to persons injured, and for extra police, the Government had came to the conclusion that he was right in his opinion, and that there were objections almost insurmountable to levying the charge upon the value of dwelling-houses only in Ireland; he therefore moved the charge should be levied in the same way as the grand jury cess.

DR. BALL said, that now the Chief Secretary had stated there were difficulties in the way of the course he had advocated last evening not to be surmounted, he would assent.

MR. BAGWELL supported the change.

MR. J. LOWTHER objected to the course taken, considering how much time had been spent last evening by the Government in opposing the proposal.

MR. MOORE, as one living in the country, was quite satisfied the Government had acted with great consideration and good sense.

Amendment *agreed to.*

MR. CHICHESTER FORTESCUE said, he felt sure the general feeling of the House would go with him when he expressed a hope that, in consequence of the announcement which had been made by his right hon. Friend at the head of the Government on the previous evening, the Bill might be allowed to be read a third time that day. He need not detain the House by stating why the Government were anxious that it should be passed as speedily as possible, being of opinion that if it were to become law at all the sooner the better. They were, moreover, most anxious to begin on Monday night the important discussions in Committee on the Irish Land Bill, which would probably last a long time.

Mr. BENTINCK wished to know from the right hon. Gentleman what the course of business was to be for next week. He understood it was intended to have Morning Sittings on Tuesday and Friday.

Mr. CHICHESTER FORTESCUE replied that the Committee on the Irish Land Bill would be the first Order taken on Monday. His right hon. Friend at the head of the Government would, on that evening, make a statement with respect to the future conduct of the business of the House.

Mr. CANDLISH expressed a hope that the privileges of private Members would not be unduly curtailed in the regulation of the order of business.

Mr. MOORE said, he could not concur with his right hon. Friend the Chief Secretary for Ireland in the opinion that the sooner the Bill, under the consideration of the House, came into operation the better. Taking the Bill as it stood, if he could by any means, whether they might be termed factious or not factious, prevent or delay its becoming law, he should not have the slightest hesitation in adopting those means. He would add that whatever opposition he could give the measure out of the House he intended to give it. In the House, he did not see that any object was to be gained by walking into a particular Lobby; and, therefore, he should, on the present occasion, content himself with entering his solemn protest against such legislation as that proposed.

Sir JOHN GRAY said, that now that the Bill had practically become law, he would promise that, as far as he was concerned, he would use all the influence he possessed to prevent the Bill from coming into operation. The way, however, in which he should do that would be by advising his countrymen to keep altogether outside the scope of its provisions, and to submit themselves peaceably to the laws of the land.

Bill read the third time, and *passed.*

House adjourned at half after Four o'clock till Monday.

HOUSE OF LORDS,

Monday, 28*th March*, 1870.

MINUTES.] — *Took the Oath* — James Lord Bishop of Manchester.

Public Bills—*First Reading*—Peace Preservation (Ireland)* (53); Customs (Isle of Man)* (54).

Committee—Report—Mutiny*; Marine Mutiny*.

ECCLESIASTICAL BUSINESS, FEES, &c.

ADDRESS FOR RETURNS.

The Earl of SHAFTESBURY *moved* an Address for Returns from every Archbishop and Bishop holding a see in England, and from every ecclesiastical registry in England and Wales, of the officers engaged, the amount and nature of the business transacted, and the amount of fees received in their respective offices; likewise of the fee charged for marriage licences, and the number of licences issued in 1867, 1868, and 1869. He believed that no less than £60,000 a year was derived from those fees; and he therefore thought it was desirable that the fullest information should be afforded as to the sources from which they came, the persons to whom they were paid, and the duties which were performed in return for them.

The Bishop of LONDON said, he would offer no objection to the Motion of the noble Earl, which, however, seemed rather inconsistent with the haste with which he had sought to press the second reading of his Ecclesiastical Courts Bill; for if their Lordships would take the trouble to look at that measure, they would see that the fees in question formed the very backbone of the system the noble Earl wished to establish—that portion of it, in fact, that had most recommended it to his own mind. In that measure the noble Earl proposed to pay out of those fees all the existing officers, or to give them compensation; to provide salaries for the Judges in future; to find salaries for the Judges of the Bishops' Courts, registrars, and secretaries; and to pay the costs of promoting suits. Nay, he looked forward to a time when those fees would provide better registries, and when there would even be a surplus applicable to the augmentation of small livings. All these were most important objects; but it now appeared that the calculations upon which the Bill was based had yet to be made, for the noble Earl had come down to the House to ask for Returns showing the amount of the assets on which he was depending to defray the large expenditure that would be created by his Bill. He (the Bishop of London) had no objection whatever to make to the Returns; and he only hoped that they would show that the amount was anything like as large as the noble Earl contemplated—anything like sufficient to carry out a reform which he should be glad to see effected. It had, however, always struck him that the weak point of the noble Earl's scheme was that it was founded upon a calculation of receipts which he feared would be found completely inadequate for the purpose.

Motion *agreed to.*

ECCLESIASTICAL AND DIOCESAN RECORDS.

ADDRESS FOR A RETURN.

LORD **ROMILLY** *moved* an Address for—

> Return from each diocese, stating the places in which the records of all ecclesiastical and diocesan matters are preserved, explaining the manner in which these records are kept, distinguishing such as are kept in fire-proof places, stating the names of the persons in whose custody they are kept, the conditions under which access is permitted to them, what fees are taken for leave to inspect and to make copies, what is the total amount of such fees received within the last five years, what steps are taken for the preservation of these records from damp and from improper abstraction or removal.—(*The Lord Romilly.*)

He had hoped, when the Bill of the noble Earl opposite (the Earl of Shaftesbury), with respect to the Ecclesiastical Courts, was sent to a Select Committee, they would have provided for due care being taken of the muniments and documents now lodged in the diocesan registries. Unfortunately the Bill, as it now stands, provides for the preservation of these very registries in which no care whatever is taken of the documents lodged there. He was, twenty-two years ago, Chairman of a Select Committee of the House of Commons, the Report of which recommended that these registries should be done away with, and that the documents deposited there should be transferred to some proper repository; nor could he help hoping that before the noble Earl's Bill passed the Government would yet take care that the documents shall be transferred to the custody of the Master of the Rolls, in order that the same system might be enforced with respect to them which is now in operation as to other papers in the custody of that functionary. Every respectable person could now have access, at any reasonable time, without payment of any fee, to the documents in the care of the Master of the Rolls; but he feared that large fees are in many cases exacted for the consultation of those in the diocesan registries.

Motion *agreed to.*

House adjourned at half past Five
o'clock, till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

Monday, 28th March, 1870.

MINUTES.]—SELECT COMMITTEE—Registration of County Voters (England and Wales), *nominated;* Public Accounts, *nominated;* Tramways, Mr. Dalglish *added.*

PUBLIC BILLS—*Ordered—First Reading*—Survey of Great Britain, &c.* [90]; County Courts (Buildings)* [91]; Stamp Duty on Deeds* [89].

Committee—Irish Land [29]—R.P.

Committee—Report—Drainage and Improvement of Lands (Ireland) Supplemental* [83].

COLLISIONS ON RAILWAYS.

QUESTION.

MAJOR **ALLEN** said, he wished to ask the Under Secretary to the Board of Trade, Why the Return moved for on the 26th of July last, in reference to Collisions on Railways, where the Block System is and is not in operation, and which was promised to be furnished by the President of the Board of Trade, has not been laid upon the Table of the House?

MR. **SHAW-LEFEVRE**: Sir, the delay in furnishing the Return is due to the fact that about half the railway companies have neglected to supply the necessary information in reply to a circular directed to them by the Board of Trade. Their attention has recently been again called to the subject; and I hope, therefore, we may be shortly in a position to lay the Return upon the Table of the House.

IRELAND—KILMAINHAM HOSPITAL.

QUESTION.

SIR JOHN GRAY said, he wished to ask, Is it true that an order has been issued to the effect that no more pensioners shall be admitted into the Kilmainham Hospital, Dublin; and, if so, is that order to be taken as an indication of the intention of the Government to abolish that national institution?

MR. CARDWELL said, that pending an inquiry that was about to take place, it was not intended to fill up any vacancies in the establishments at Chelsea and Kilmainham; but this would not affect the pensioners, whose vacancies would continue to be filled as usual.

WASTE LANDS IN THE COLONIES.

QUESTION.

MR. MACFIE said, he wished to ask the Under Secretary of State for the Colonies, Whether any or all of the leases referred to in the Secretary of State for the Colonies' letter to the Secretary of the Emigrant and Colonists' Aid Corporation, dated 2nd March, of land in Western Australia are terminable on short notice to the extent of such portions thereof as may at any time be disposed of by the British Government for the purpose of being enclosed and occupied as agricultural farms; whether the portion of the eight million acres referred to in that letter which has been sold in Western Australia, and the twelve million acres there said to have "been granted to a population not exceeding sixteen thousand souls" in Natal, are held under any conditions favourable to emigration; whether the Secretary of State for the Colonies, with a view to the stream of voluntary emigrants flowing towards British settlements, is corresponding with the Governors of the aforesaid Colonies and with the Governments of the self-governing Colonies, in order to learn what arrangements could be made and given effect to in conjunction with the Home Government, for promoting the occupation of waste lands by agriculturists and labourers from the United Kingdom; whether, with reference to lands yet unsold in Western Australia and Natal, the expediency has been considered of giving suitable parties intending to take immediate occupation an option either to buy the land they mean to cultivate, or else to hold it under lease for fifty years, on the understanding that it shall revert to the State at the expiry of the term if the State chooses, in place of continuing the tenancy, to compensate for tenants' improvements, and resume the land; and, whether in framing rules for future sales of land the propriety of reserving the purchase monies and revenues therefrom for emigration, road-making, and such like purposes, will be favourably considered?

MR. MONSELL said, in reply to the first Question of the hon. Member, that pastoral land in Western Australia was divided into classes A and B. Class A included land near towns, rivers, &c., and might be resumed at the end of each year; Class B lands were let on lease for eight years, with a preference to the lessee for a new lease, if not required for settlement. The Returns did not show the extent of land in each class. 4,500,000 acres might be resumed on being asked for for settlement; but it could not be resumed except for persons ready to settle upon it. The land, he might add, alienated in fee simple in Western Australia was about 1,500,000 acres, and was held unconditionally. That was all the best land in the Colony, and therefore most suitable for emigrants. The 5,000,000 acres alienated in Natal was held generally without conditions; a part of it, however, was subject to a quit rent. So long as the quit rent was paid the land could not be touched. A circular had been sent to Canada, the Cape, the Australian Colonies, Tasmania, and New Zealand to ask what prospect each held out to emigrants, both of the agricultural and artizan class. The occupation of waste lands by agriculturists and labourers from the United Kingdom was not contemplated, for except they were provided for at great expense before they were able to raise food for themselves it would be impracticable. Any person wishing to purchase or lease land in Western Australia or Natal might do so. But no condition that the land shall revert "if the State chooses" had been annexed, nor could such a condition be annexed without impairing the motive for improving the land or expending capital or labour upon it. In Western Australia and Natal the land revenue formed part of the general revenue, which was not sufficiently solvent to allow of the land revenue being exclusively appropriated to particular services.

METROPOLIS—RIDE IN ROTTEN ROW.

QUESTION.

SIR FREDERICK W. HEYGATE said, he wished to ask the First Commissioner of Works, Whether the roadway and equestrian ride leading from the west end of Rotten Row to Queen's Gate are intended to be permanently closed to carriages and riders; and, whether the gravel which is now being removed from the surface of Hyde Park, to the depth or four or five feet, is to be replaced by black mud and clay taken from the Serpentine; and if he considers such a proceeding conducive to the health and comfort of the public?

MR. AYRTON: Sir, in consequence of the great increase of houses on the north and south sides of the Park and of Kensington Gardens, it is now necessary that there should be a convenient thoroughfare for carriages from north to south, and, in consequence, the end of the road to which the hon. Baronet refers is cut off. It is intended to lay out that corner with flowers, instead of the great variety of iron railings with which it is at present adorned. In answer to the second Question, I have to say that it is intended to deposit the mud from the Serpentine in the most convenient place —namely, the place in the Park from which the gravel has been excavated; but it will be so covered up with clay and re-turfed that no one will be cognizant of its existence.

In answer to another hon. MEMBER,

MR. AYRTON said, that the mud would be effectually drained by the drains already under the soil of the Park.

IRELAND—UNION RATING.

QUESTION.

MR. KAVANAGH said, he wished to ask the Chief Secretary for Ireland, Whether he intends to move for the Select Committee on Union Rating before Easter; if not, whether he can say how soon after Easter he will make that Motion?

MR. CHICHESTER FORTESCUE said, in reply, that it was not his intention to move the appointment of the Committee on this subject till after Easter; indeed, the appointment would depend upon the progress of the Irish Land Bill, for it would not be moved till that measure had passed through Committee.

OFFICE OF STAMP DISTRIBUTOR AT LOWESTOFT.—QUESTION.

MR. HENNIKER-MAJOR said, he would beg to ask the First Lord of the Treasury, Whether the office of Stamp Distributor at Lowestoft, recently vacant by the death of Mr. Robert Morris, has been or is about to be conferred upon a Mr. Chater, a solicitor, who already holds the office of Registrar of the County Court in that town; and, whether, as all other professional gentlemen in the district must attend before him to pass residuary and succession accounts, he considers it expedient in a town of that size to appoint a solicitor to such a post?

MR. GLADSTONE said, in reply, that Mr. Chater had been appointed to the office in question. The matter was one with respect to which the Government had been in communication with the Board of Inland Revenue. In such a matter the Treasury would be governed by the wishes and views of the Board of Inland Revenue, who were quite unconscious of any disadvantage attending the appointment of a solicitor to the office of stamp distributor. Various solicitors now filled these offices; no rule existed against such appointments; and it was observed to him that, with reference to various classes of documents, where doubt existed as to the precise amount of stamp duty required, a solicitor would be the most convenient stamp distributor, because he would be able to state what was the exact stamp required. As to the latter part of the Question, a solicitor appointed to such a post might derive such a kind of benefit as a postmaster derived from his appointment — namely, some increase of custom from the persons frequenting his shop; but this could not be helped, and he saw no evil in it.

CAPE OF GOOD HOPE.—QUESTION.

MR. R. N. FOWLER said, he wished to ask the Under Secretary of State for the Colonies, Whether he has any objection to lay upon the Table the Despatch of Lord Granville to Sir Philip Wodehouse, which has been presented to the Cape Parliament, in regard to the establishment of responsible Government at the Cape of Good Hope, and the withdrawal of Troops from that Colony?

Mr. MONSELL, in reply, said, there would be no objection to lay upon the Table the despatch of Lord Granville to Sir Philip Wodehouse alluded to by the hon. Member.

SCOTLAND—LAW OF HYPOTHEC.

QUESTION.

Mr. CARNEGIE said, he wished to ask the Lord Advocate, If it is his intention to bring in this Session any measure on the subject of the Law of Hypothec in Scotland?

The LORD ADVOCATE: Sir, I acknowledge the interest and importance of the subject referred to in the Question, and my hon. Friend is aware that the opinions which I individually hold upon the subject of hypothec are in harmony with his own. I have not failed to bring the matter under the notice of the Government; but having regard to the pressure of business in the present Session, I am sure the House will not be surprised if I say the Government is unable to announce any resolution upon this particular subject; but it will be considered, and, I believe, considered in connection with the corresponding law in England, and the Government will at an early day state what their intentions are.

NAVY—DOCKYARD ECONOMY.

QUESTION.

Mr. H. A. HERBERT said, he would beg to ask the First Lord of the Admiralty, Whether it is true that the water from the tanks belonging to the Dockyards was refused on economic grounds to certain persons who organized a soup kitchen inside the Unicorn Gate, Portsmouth (at their own expense), for the purpose of relieving distress during the recent inclement weather; and, if true, whether the order will be rescinded?

Mr. CHILDERS: Sir, I must congratulate some of the good people of Portsmouth on their ingenuity in fabricating stories about petty economies in the dockyards. Some time ago they had invented an army of cats, whose food we had cut off; then we abolished a fabulous ratcatcher; now we refuse water to soup kitchens. These stories, I need not say, are equally unfounded. The fact as to the soup kitchen is that some weeks ago a subscription was got up, to which some addition was made by ourselves at Whitehall, for establishing a soup kitchen in a distressed part of Portsmouth, some way from the dockyard and near the extension works. We authorized a "ship's copper" being lent to them, and the superintendent allowed them to have water sent from the Government tanks. One day last week, I believe, a question arose about a dockyard labourer employed for this purpose, and for a few hours the water was not sent. As soon as it came to the ears of the authorities the matter was set right, and the water obtained without further trouble.

BRITISH COLUMBIA—WATER BOUNDARY QUESTION.—QUESTION.

Viscount MILTON said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Convention for Arbitration relative to the Water Boundary question, which he stated to this House on the 4th of August 1869, had been signed by Lord Clarendon on the 14th of January 1869, submitted to the Committee of Foreign Affairs of the Senate of the United States, and by them recommended for ratification, has yet been ratified by Congress; and, if not, whether he can state the cause of the delay; and, whether there is any and what objection to lay upon the Table of this House all the Correspondence on the Water Boundary question, which has been officially presented to the American Senate, and published in 1868, and which is now in possession of Her Majesty's Government?

Mr. OTWAY, in reply, said, if his noble Friend would refer to Parliamentary Papers presented at the end of last Session he would find that this Convention was submitted to the notice of the Senate of the United States in April last, but its consideration was deferred. The ratification of the Convention depended upon the Senate, who had not yet ratified it; but he was unable to state what motives had induced them to take this course. As to the Correspondence, there was no objection to lay it on the Table, save on the score of expense.

It consisted of 270 pages of closely-printed matter, together with maps, and he doubted whether he should be justified in incurring the expense of publication. But his noble Friend, however, had published all that was interesting and important in this correspondence, and had done him the favour to present him with a copy of the publication. Now, if his noble Friend would extend that favour to other hon. Members they would be in possession of an admirable *resumé* of a very voluminous correspondence.

VISCOUNT MILTON said, he now wished to ask the Under Secretary of State for the Colonies, If he will lay upon the Table of the House, a Copy of such Letters, Correspondence, and Enclosures from Governor Douglas or his Secretaries, and from the Secretary to the British Commission on the Water Boundary question, as were sent to the Colonial Office, warning Her Majesty's Government of the then apparent intention of General Harvey to invade a part or parts of Her Majesty's dominions on the coast of the Pacific, before and up to the year 1859?

MR. MONSELL said, in reply, that these Papers were not under the control of the Colonial, but of the Foreign Secretary, to whom his noble Friend must apply for their production.

SAVINGS BANKS BILL.—QUESTION.

MR. ASSHETON CROSS said, he would beg to ask Mr. Chancellor of the Exchequer, If, looking to the state of Public Business, he sees any chance of bringing forward the Second Reading of the Savings Banks Bill before Easter?

MR. STANSFELD, in reply, said, the Chancellor of the Exchequer did not intend to propose the second reading of the Bill till after the Easter Recess.

POOR LAW EXPENDITURE.—QUESTION.

MR. W. H. SMITH said, he wished to ask the President of the Poor Law Board, If he can state the amount expended or authorized to be expended in the years 1867-8, 1868-9, and in 1869-70, for the erection or enlargement of workhouses, infirmaries, asylums, and schools, for the purposes of the Poor of the Metropolis?

MR. GOSCHEN said, in reply, that the amounts authorized to be expended for the purposes enumerated in the Question of the hon. Member were, in the year 1867, £59,000; in 1868, £509,000; and in 1869, £392,000; making together, for the several purposes referred to, £960,000. Of this amount, £483,000 was for the asylums for imbeciles and smallpox and fever patients which are in course of erection by the managers of the metropolitan asylum district; £128,000 for schools, £183,000 for sick asylums and separate infirmaries, and £210,000 for new workhouses and enlargement of existing workhouses, including the erection of infirmaries, where the cost has not been separately shown, and also the erection of vagrant wards. The cost of mere transfers of property from one Union to another has not been included, as not affecting the aggregate charge for buildings. The expenditure authorized has been met by loans extending over from twenty to sixty years. The annual charge for interest and repayment of capital during the first few years will amount to about 1*d.* in the pound on the rateable value of the metropolis, and will be diminished each year in the proportion in which the capital is paid off.

POST OFFICE—COMMUNICATION WITH AMERICA.—QUESTION.

SIR JOHN OGILVY said, he wished to ask the Postmaster General, What measures he intends to take to induce the American Government to transmit the homeward Mails by more expeditious lines of steam packets than those at present employed?

THE MARQUESS OF HARTINGTON: Sir, under the terms of the Convention between this country and the United States each nation provides and pays for the transmission of its own outward mails. By an additional Convention, entered into on the 1st of January of this year, a considerable reduction of postage was made. The effect of this was to reduce the proportion paid for the sea postage from twenty cents an ounce to six cents an ounce, and by an Act of Congress the Postmaster General of the United States was prohibited from paying for the sea service more than that amount. In consequence of the reduction in the amount of the sea postage two of the companies hitherto engaged in the conveyance of the mails—the Cunard and the Inman lines—declined to continue the service. The Postmaster General of the United States had then to fall back on the North German Lloyd's and on two other companies, the Guion and the National. I have received several memorials from important places complaining of the inconvenience and delay caused by this change, and I have forwarded those memorials for the consideration of the Postmaster General of the United States; but, since each country regulates this matter for itself, I have no power to do anything further in the matter.

WORKING MEN'S RAILWAY TRAINS.

QUESTION.

Mr. REED said, he wished to ask the Secretary to the Board of Trade, Whether he is in a position to state the result of his negotiations with the Metropolitan Railway Companies as to the cheaper and more convenient conveyance of the working classes over their several lines within a given area of the Metropolis?

Mr. SHAW-LEFEVRE said, in reply, that he was not in a position to inform the hon. Member that any conclusion had been arrived at with respect to that Question.

PARLIAMENT—MORNING SITTINGS.

OBSERVATIONS.

Mr. BENTINCK offered to postpone a Question which stood in his name, as to whether it is the intention of the First Lord of the Treasury to propose to hold Morning Sittings on Tuesday and Friday that week?

Mr. GLADSTONE said, he had no intention at that time to interfere with the ordinary course of business. On Thursday he proposed to make a statement, which should be full and clear, and in which he would give all the grounds for anything he had to propose.

METROPOLIS—BURGLARIES.

QUESTION.

Colonel BERESFORD said, he would beg to ask the Secretary of State for the Home Department, If it has come to his knowledge that some burglaries have taken place within the Metropolitan District at the residences of the American Minister, of Lady Napier, of Lord George Cavendish, and of Mrs. Cohen of Park Lane, and that the offenders have not been brought to justice; and if any allowance be made to the Chief Commissioner of Police for house rent; and, if so, the amount of it, and if such allowance be made conditionally upon the Chief Commissioner residing within a limited distance from Scotland Yard; and what that distance is; and is the condition in that respect complied with?

Mr. BRUCE, in reply, said, he was obliged to the hon. and gallant Gentleman for affording him the opportunity of answering the Question, in order that he might remove a good deal of exaggerated misapprehension prevailing in the metropolis on the subject. He would first of all say that the hon. and gallant Gentleman had brought together cases which had happened at widely different periods. The burglary at Mrs. Cohen's took place upwards of twelve months ago. On that occasion three persons were apprehended on suspicion, but they were not identified. Much valuable property, however, was found upon them, which was now in the possession of the police, and one of them had since been sentenced to penal servitude. In the case of the robbery at the house of the American Minister, one person was apprehended, but he was not identified, and no arrests had been made in the other cases mentioned in the Question. The cases, from the social distinction of some of the sufferers, had attracted a good deal of attention, and caused considerable misapprehension as to the prevalence of crime in the metropolis. Last year two gangs, similar to that which had committed these robberies, were successfully hunted down. One of them consisted of seven very skilful burglars, and one notorious receiver. They were all seized, and were now suffering sentences of penal servitude of from twenty years downwards. Nearly every member of the other gang had also been convicted, and was now suffering punishment. The authors of the present crimes were very well known to the police, and he had no doubt they would soon suffer the fate of their predecessors. He was anxious to take that opportunity, with the permission of the House, to explain what had been done in reference to that class of crime. In July last, a large additional force of detectives, consisting of twenty sergeants and 160 ordinary detectives, was added to the force, and they were apportioned among the different divisions of the metropolis. In order that the House might judge of the effect of this increase of the force, he would compare the effect of that addition in the detection of crime during the last six months of 1868 as compared with the last six months of 1869, excluding minor crimes. In the six months ending 1868 there were 7,273 cases reported to the police. The number of persons apprehended was 1,511, and the number convicted 1,087. He might add that the great disproportion between the number of crimes and the number of apprehensions arose mainly from the cases of petty larceny, which were extremely hard to be discovered. In those six months there were 4,675 cases of petty larceny, for which only 575 persons were arrested. During the six months ending 1869 the number of cases had diminished to 6,633, while the number of persons apprehended had increased to 1,589, of whom 1,170 were convicted. From the reports of the superintendents in the districts where burglaries had been committed, it would appear that there had been a great improvement; that, in some districts, such offences had ceased altogether; in others the gangs had been dispersed by the force, and as they obtained greater knowledge of the haunts of the offenders there would be a diminution of the crime. There was reason to hope that the diminution during the last three months had been still greater in proportion than in the preceding half year. With respect to the second Question—the connection of which with the first he did not clearly see—he had to say that an allowance was made to Sir Richard Mayne and to the present First Commissioner of £300 a year for a house. It was not made conditionally on his residing within any given distance; but, of course, his residence was subject to the approval of the Secretary of State. Colonel Henderson lived at Wandsworth, and if any inconvenience had arisen from his residing there, it would have been his (Mr. Bruce's) duty to have insisted on a change of residence. He had the telegraph wires communicating into his house, and he could work them himself, and could reach Scotland Yard in half an hour after he was summoned. He must say that a more hard-worked and a more hard-working officer did not exist in the public service than the Chief Commissioner.

EMIGRATION OF ARTIZANS.

QUESTION.

In reply to Sir JAMES LAWRENCE,

MR. CHILDERS said, within a few days the regulations under which discharged artizans will be sent in troopships to Canada will be made public. No charge will be made beyond the actual expense "out-of-pocket" to Government, and the dollar tax and some pocket-money for the people when they land.

IRISH LAND BILL—[BILL 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE.

Order for Committee read.

MR. M'MAHON said, he would withdraw a Motion of which he had given notice in favour of the assimilation of the statute law of Ireland with regard to ejectment to that of England, as he understood an Amendment to this effect could be moved in Committee without any previous Instruction being adopted.

MR. KNIGHT, who had given notice of a Motion to defer the Committee for a week, said, he was one of those Members who abstained from speaking on the second reading in order to facilitate the introduction of the Peace Preservation Bill; but he wished to make a few remarks which, as they affected only the principle of the Bill, could not be made in Committee. One thing which had not been noticed in the debate was that England and Scotland had been placed in a position similar to that of Ireland with regard to clearances. In Scotland matters had been settled simply by clearing everyone from the land and sending the people to America; but clearances had been stopped in England, by measures to which attention might be called before a decision was come to in the case of Ireland. For several reigns after the breaking up of the feudal system, the state of England was similar to that of Ireland, except that the English were more violent than the Irish. During the reigns of the Henries, of Elizabeth, and of the Stuarts, the country was devastated by clearances, in precisely the same way Ireland had been for the last 150 years. In Sadler's work upon Ireland we were clearly informed, upon authority which was given, that for 150 years these clearances had been the cause of all the rebellions and local risings that had occurred. In the reign of Elizabeth, and, indeed, for several reigns, similar events happened in England; clearances were made in all directions, and repeated Acts of Parliament were passed with the object of preventing them. Those who had pulled down houses were ordered to re-build them; persons were forbidden to keep more than a certain number of sheep; and everything that could be done to stop clearances was done without effect. In every county there were many hundreds of able-bodied vagabonds who lived by theft and rapine, and plundered the country in large gangs—nothing was safe; sheepfolds had to be watched night and day, magistrates were afraid to do their duty, and the country was in a worse state than Ireland is in now. This state of things was stopped by the Settlement Law of Charles II. For ninety years, ever since the relief of the poor had been made a legal charge by the 14th of Elizabeth, every man had had a right to relief, but that right had been inoperative. The Preamble of the Settlement Act stated that the poor were constantly increasing in numbers, that they were perishing from want in all directions, and that hitherto the Poor Law had been inoperative; but from the passing of this Act clearances ceased in England, the application of the Poor Law was extended, the people became quiet and satisfied, and there had followed a long era of self-government without coercion by soldiers or police, which would not otherwise have been possible. The reason why the Irish had never been satisfied with the English law was because those English laws, which gave something to the poor in sickness and starvation, had not existed in Ireland. The law gave no proper support to the Irishman in poverty, and consequently the only way of keeping him in order was by English bayonets. In 1838 a Poor Law was bestowed upon Ireland; but there was no Settlement Law in connection with it—that having been opposed by the landlords — and without a Settlement Law the right of the poor to relief became a merely indefinite right, for having a right everywhere meant having it nowhere. Since the passing of the Irish Poor Law the work of clearance had gone on even more rapidly than before. The Settlement Law of England had been greatly misrepresented. It was intended to supply the gap left by the abolition of the feudal laws, and the moment it was passed it became impossible for employers to turn their people out of their houses. Its effect was indeed to force employment, and the result had been that England had been brought into its present highly cultivated state. In France the same state of things existed, and the consequence was that the whole of the poorer classes there were ready to rise in a moment if they had the opportunity. The *Code Napoleon* was excellent as between those who had something to lose, but it did nothing for the poor, and the result was discontent and dangerous communism. He believed that Irish clearances would never be effectually stopped until there was in that country a similar Poor Law to that existing in England. He believed that if they had established a Law of Settlement in 1838, and thus stopped clearances with a strong hand, Ireland would have been in a very different state from what it was now. As it was, there was only one moment in the history of Ireland when rebellion was impossible, and that was the moment when Smith O'Brien tried in vain to raise one. Through the wise policy of Lord Clarendon at that time of famine, the system of out-door relief was extended to the whole people; they felt that they were living on the English law, and the consequence was that a miserable scrimmage in a potato garden was all that could be raised in answer to the call to insurrection. If, after that, out-door relief had been regulated instead of being altogether stopped—if when the poor of Ireland asked bread, they had not been offered what they would not accept—the workhouse; or if the workhouse had even been more tolerable than it was—for a nobleman now in India, formerly a Poor Law Commissioner in Ireland, once said that the sending of a child under six years of age into the workhouse was a sentence of death—if they had offered to the poor of Ireland the Settlement Act passed for England in the reign of Charles II., the poor would have felt they had a hold on the land in their necessities, and the present Bill would have been unnecessary. The hon. Member here quoted a passage from Archbishop Manning's letter to Earl Grey, in approval of the Settlement Law, and proceeded to say that the passing of the Settlement Law had had so beneficial an effect in keeping England in a state of quietness that since the period of its adoption there had been no cause of alarm for any serious outbreak on the part of the people, except at the time of the first French Revolution, when, concurrently with that event, there occurred a very great rise in the price of provisions, and the mob shouted—"No King, no Pitt, but bread." The latter was the real cry, and the Parliament met it by providing largely-increased relief from the poor rates, from which increase no danger had accrued to property, which had doubled in value during the next few years—more recently the late Sir Robert Peel broke up the great Chartist organization simply by the allowance of out-door relief to large classes of the poor. The Bill before the House had, in certain portions of it, great merit; and he believed that had Lord George Bentinck lived the tenant farmers would have long ago got all they were entitled to—namely, compensation for all unexhausted improvements they put on the land. But this Bill went further; it gave the tenants not only their own improvements, but a portion of the fee-simple of the landlords, and so far from doing anything for the poor, it legislated against them. The Bill would break up the whole status of property; but it would do nothing to settle what was called "the Irish question." Hitherto the poor man who was prudent, thrifty, and industrious, had a chance of rising from the position of a day-labourer to that of a tenant-farmer and occupier of land. On his own estate he had sixteen tenants paying £1,270 a year rent, everyone of whom, with the exception of two, were day-labourers, and the fathers of these two were labourers. Their rents varied from £17 a year up to £200; and similar instances were common on the borders of North Devon and Somerset. If they had been brought under the operation of such a Bill as this, it would have been impossible for them to get possession of a holding. If this Bill passed into a law the bulk of the Irish people would still not only be in as bad, but in a worse, state than at present. Now, no matter how poor, they had the hope of obtaining land; but, if the Bill passed, no poor man could entertain such a hope, because no poor man could afford to pay the tenant-right compensations which it would create. A tenant-right that represented a house or a fence might be perfectly well appreciated by the incoming tenant, and he might pay for it; but when he had to pay more than one-third of the fee-simple for coming in, no poor man could do it. Passing this Bill they would degrade and set their foot on the whole of the real poor in Ireland. In the county where he resided a very large part of the population had risen from the plough-tail. They were a trustworthy and intelligent set of men, who knew their business well—men who, once they went forward, never went backward in the world. The parishes around where he lived—in North Devon and Somerset—were full of such men. They had been absolutely agricultural labourers; but all such men would be excluded from land in Ireland. Would Ireland be satisfied? No, it would still be necessary to do what he now called on them to do—to make the Poor Law what it ought to be. Let them in this way satisfy the poor, and the tenant-farmers would be glad to take what was due to them without asking for a share in the fee-simple of their farms. The tenant-farmers were enabled to frighten the Government, because they had a miserable population under them with an inadequate Poor Law. If Government would show the poor that the English law had something for them in their misery, they would divide the two classes and be able to deal with them. The Government proposal was like attempting to stop a mutiny in a regiment by bribing the non-commissioned officers as against the officers, while they took no account whatever of the rank and file. In conclusion, the hon. Gentleman declared that if a change of the Poor Laws of the two countries took place—the Irish law established in England and the English law in Ireland—the experience of a single winter would show England a more disturbed and rebellious country than Ireland now was, and Ireland perfectly tranquil.

Mr. NEWDEGATE said, he did not believe that the course of legislation on which they were about to enter would tend to the real pacification of Ireland. The speech they had just heard deserved far more attention than it had received. His hon. Friend had quoted the authority of Dr. Manning in favour of a Poor Law for Ireland, including a Law of Settlement. Lord George Bentinck, over and over again, did, in concert with Mr. Augustus Stafford, endeavour to reduce the area within which the Poor Law should be administered in Ireland, so as to approximate to the Law of Settlement in England. But, unfortunately, at that time they adopted a course of legislation which, on these matters, was not national, and they lapsed into a system for Ireland approximating more to the Continental than the English system. On the authority of Dr. Manning the legislation now adopted would not satisfy Ireland. The Roman Catholic hierarchy had opposed the establishment of the Poor Law system and the introduction of the Law of Settlement into Ireland. Why? Because the Roman Catholic Church was hostile to the principle of self-government. The English Poor Law had originated in the break up of the monastic system; and when the monasteries were first closed it was found that there were attached to them gangs of what were called staff-stickers, who went through the country committing agrarian outrages and acts of violence of every description. The Parliament of Edward VI. adopted severe repressive measures, and hanged these men; but in the Tudor period those legislative measures were adopted which Dr. Manning condemned in his letter as inapplicable to Ireland. The present Land Bill was directly in accordance with Dr. Manning's suggestions, and he agreed with Dr. Manning that it was one which would altogether fail to give contentment to the people of Ireland. Under it the tenantry of Ireland were to be given a share in the property of the landlords, but upon conditions which would for ever keep down the labouring class in Ireland, and prevent them from rising into the condition of tenant-farmers. In 1848 a Committee upon the agricultural customs of England was appointed on his Motion, and the Report of that Committee had ever since been viewed as a just exposition of the condition of the English tenant-farmer. Evidence was given that the custom of Lincolnshire, which was the model custom of agriculture in England, was based upon written contract between the landlord and tenant; and therefore it was directly opposite in principle to the provisions of this Bill. In Surrey, Sussex, and some of the other southern counties, a form of tenant-right existed very nearly equivalent to that which the present Bill proposed, and its operation did not tend to the improvement of agriculture, while perpetuating a monopoly among the tenants. It was clearly shown that in the course of years this tenant-right became so exaggerated that every tenant coming in was impoverished before he began to farm the land. For that very reason he conceived the principle of the Bill to be erroneous. It created a tenant-right, not based on contract, but resulting from legislation, and the amount of which must increase with the devolution of tenancies. But the House, he saw, was determined to proceed with this legislation; and, therefore, having adduced the reasons which appeared to him sufficient to warrant a different conclusion, he would not trespass further on their attention, merely expressing his belief that the passing of this Bill would not really do anything for the advantage of the tenant, but would effectually prevent poor men from bettering their position. The Bill was eminently fitted to perpetuate discontent.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Legality of Ulster tenant-right custom).

Mr. PIM said, he would suggest that time would be saved by postponing this and the following clause, which related to the Ulster and other customs, until the remaining clauses of the Bill had been considered and dealt with. Notice had been given by hon. Members of various Amendments raising questions connected more or less directly with the subjects dealt with by these clauses, and he believed that a satisfactory solution would be promoted by the course which he recommended. The third was the principal clause, the keystone, of the Bill, and should, therefore, be taken first. Besides this, a great number of the Amendments proposed in the latter part of the Bill would, if carried, affect the 1st and 2nd clauses; he therefore proposed that the 1st clause be postponed, but would not press his Motion against the wish of the First Lord of the Treasury.

MR. GLADSTONE said, he could not accede to the Motion, because the clauses had been arranged, after much deliberation, in what the Government believed to be the best possible manner; the questions, relating to custom were first disposed of, and after these entirely new ground was taken. He was not himself prepared to say which was the most important clause; but it was not the practice in Committee to take the most important clause of a Bill first.

Motion *negatived.*

MR. HEADLAM said, that after a minute examination of the 1st and 2nd clauses, he had come to the conclusion that the intention of Parliament would not be made clear by them; that the tenant would interpret them in one way, the landlord in another; and, as a natural consequence of this uncertainty, disappointment and vexation would result, instead of peace and contentment. It was absolutely necessary the tenant should know precisely what Parliament would grant and what it would not. He believed it would have been quite as well to leave the Ulster custom to take care of itself; indeed, there were many arguments in favour of such a course; but as it was dealt with, he insisted on the importance of making the rights and remedies so clear that he who ran might read. The Bill did not proceed upon the assumption that tenant-right was universally prevalent throughout Ulster, and, in fact, the custom prevailed only in particular holdings; consequently, a tenant would have to prove, first, that his holding was in the Province of Ulster; and, secondly, that it was subject to the custom. Moreover, the natural tendency of the Bill would be to increase the number of holdings not subject to the custom, and the example of Lord Dufferin, who had bought out the custom at considerable expense, would be largely followed. But it appeared from the 2nd clause that the same usages prevailed in other parts of Ireland; and he asked upon what principle the provisions made applicable to holdings subject to the custom locally situate in Ulster were withheld from holdings subject to the same custom locally situate in other parts of Ireland? This was clearly the case as the Bill now stood, for the 2nd clause provided only for cases where a tenant was disturbed by the act of his landlord; but that condition did appear in the 1st clause. This distinction would give rise to a feeling of injustice. A tenant in Antrim, leaving of his own accord, say, to go to America, would be entitled to all the benefits of the Ulster custom; but a tenant in Leitrim or Louth, holding a farm under precisely the same custom, leaving under the same circumstances, would be excluded from those benefits. Again, the tenant in Leitrim or Louth would have his rights modified by three separate provisoes in Clause 3, which might be good or bad in themselves, and the tenant in Antrim would be untouched by them. Could the Committee, under these circumstances, be surprised at the jealousy arising between the tenants of one district and another? There was no reason why, if the House legislated at all, they should not make the same legislation apply to the whole of Ireland. Any other course of action would be sure to produce discontent; and he had learnt that already in various parts of Ireland people had complained of the restriction, and were urging that one law should prevail generally throughout Ireland, and apply to every holding on any estate where it could be shown that any custom of the nature of tenant-right existed. The words in the clause, that the Ulster tenant-right custom "is hereby declared to be a legal custom," appeared to him to be open to two objections—first, that such words encouraged the most unfounded hopes and expectations, and led people to believe that some substantial good was conferred by them; and, secondly, that, assuming it to be true that there was any such advantage to be derived from them by the people of Ulster, the Government were not justified in excluding the occupiers of other parts of Ireland from similar benefits. With respect to the first point, he would remind the House that the tenant-right of Ulster was legal at present; no Court had ever pronounced it to be void as against public policy; but it was not obligatory, and the arrangement that an incoming tenant should pay a sum of money to an outgoing one could not be enforced at law. If any substantial benefit could be derived from declaring the legality of the tenant-right custom, the House ought to know distinctly what it was, with which object the hon. Member for Belfast (Mr. Johnston) had given notice of an Amendment to define that custom in these words—

> "The usage prevalent in the Province of Ulster, commonly known as the Ulster tenant-right, which is to be deemed and taken to be the right of continued occupation by the tenant in possession, subject to the payment of the rent to which the premises held by him are liable, or such change of rent as shall be settled from time to time."

He wished the Solicitor General for Ireland to explain whether any right of action was to be given to a tenant if the landlord did not admit to possession the man to whom the outgoing tenant sold his tenant-right? Might an outgoing tenant apply to the Court of Chancery to compel the landlord to consent to the sale of the right of occupation to a particular person? If it was intended to give such powers, there ought to be clauses in the Bill distinctly stating them, for it was only by such means that hon. Members could argue the question. It appeared that at meetings which had been held in Ulster the clause was assumed to confer upon a tenant the right of enforcing this custom against his landlord. But he believed the words declaring this custom to be legal would not have the slightest effect. If, however, tenants in Ulster were to have the right of enforcing this custom against their landlords, it would be monstrously unfair not to extend the same right to tenants in other parts of Ireland where this custom existed. But the objection went further; for if the tenant-right custom of Ulster was declared to be legal, it was necessarily to be inferred that the custom was not to be legal elsewhere, and the enactment of it, as it now stood, would, therefore, alter the position of the Leitrim or the Louth occupier. If in a Bill applying to England it was enacted that the law of gavelkind should be a legal custom in the county of Surrey, it would therefore be implied that it should not be legal in Yorkshire, and a similar implication must necessarily arise by confining the declaration of the legality of tenant-right to Ulster. The clause further stated that the prevalent usage should "be enforced in manner provided by this Act," the meaning of which could only be understood if the Bill contained provisions for such enforcement. He, however, did not find any subsequent section which took up the subject, and enacted in what manner the custom was to be enforced, and, consequently, the words to which he called attention were vague, illusory, and uncertain. The Bill contained a series of clauses headed "Proceedings to obtain compensation," and he should like to know from the Solicitor General for Ireland whether proceedings to enforce a tenant-right were to be taken under those clauses, for if they were not there was nothing in the Bill relating to the enforcement of such a claim. Supposing, however, that the proceedings were to be taken under those clauses, the claimant of a tenant-right would be put in the same position as the man who claimed compensation for a house which he had built —two claims which were totally different in their nature. Assuming still that such was to be the mode of enforcing a claim to tenant-right, the effect he contended would be to give to an occupier a right, which he did not now possess under the Ulster custom, to make a claim upon his landlord when his tenancy was determined, a system which might be carried on to a very considerable extent, for it was declared by the 17th section that—

> "A tenant who may be decided by the Court to be entitled to compensation to be paid by any landlord shall not be compelled by process of law to quit his holding until the amount of compensation due to him has been paid or satisfied, and any amount payable shall be deemed to be a debt due to him from such landlord, and the tenant may set off such debt against any rent for the time being due from him to such landlord in respect of his holding."

If this clause really did apply to tenant-right then it might be expected that a landlord, paying all that was due in virtue of this tenant-right, would thenceforward have his land freed and discharged; but the Act did not provide that a landlord who paid to his tenant what was due should be discharged from his obligation, and thenceforth have his land free from the custom; whereas if a house were built by a tenant, and compensation were claimed for it, the landlord, on paying compensation, would be free from any future claim for the same house. He asked the Government to express this matter clearly in the Bill, and to provide against the possibility of a landlord being called upon to pay for tenant-right over and over again in successive years. He objected to the clause, first because it was a most harsh and unfair thing that a custom should be adopted which would operate differently in different parts of Ireland; secondly, because it did not provide any mode by which the land could be cleared and freed from the operation of that custom; and, thirdly, because of the exceeding vagueness and uncertainty of the wording of the clause. In substitution for a portion of the clause, he proposed to insert words providing that where the landlord and the tenant could agree upon the sum to be paid the former should have the power given him, in the clearest possible manner, to buy up the right of the tenant, and that where such power was exercised by the landlord the land should be freed and discharged for ever from such usages. He also proposed to provide that in cases where before the passing of the Act the land had been discharged from such usages by money being paid by the landlord to get quit of them, the landlord should be entitled to hold his land free and discharged from such usages for ever. He further proposed to provide that where these usages remained in force they should only have effect to the extent that a future part of the Bill should determine. Such a provision would make it clear to the Ulster tenant that he was to look into the Act to ascertain the rights conferred upon him, and would tend to check any vague and wild notions that might arise in his mind with reference to the extent of those rights. It might be objected that his Amendment presupposed the possibility of the eventual extinction of the Ulster tenant-right, and hon. Members might think that if the Bill were to be framed upon such a presupposition, it would not be a popular measure. Was it not the duty of the House, however, to tell the Ulster people the truth plainly and fearlessly? He did not doubt for a moment that the maintenance of the custom was exceedingly desirable in the eyes of the Ulster tenants. It would be extraordinary if that were not the case. The present tenant under the Ulster tenant-right had paid a large sum of money for his holding—in many cases he had paid many years' purchase of the land—and he had not the slightest title-deed to show for it. He possessed a *quasi* property in the land; but he had no record, or registration, or document of any kind, which would enable him to recover, in the event of his being evicted, the money he had paid, and he therefore had the deepest interest in the maintenance of the custom of tenant-right. That custom was so shadowy and indefinable that the tenant was naturally sensitive and tenacious about it, feeling in the matter very much the same as an officer in the Army felt about the purchase system. The tenant was therefore timid and afraid of any legislation, or of anything which might be done to throw the least doubt or discredit upon the validity of the existing custom, and no doubt it would be very unfair to destroy that custom without having a due regard to vested interests. When, however, the Committee had taken care that the Ulster tenants were secured all to which they were either legally or morally entitled, they would have no right to complain if the Committee took a wider view, and proceeded to inquire into this custom with the view of ascertaining whether it was a usage calculated to operate beneficially for the cultivation of the land, to establish graceful and amicable relations between the landlords and their tenants, and to contribute generally to the prosperity and the welfare of the country. He was of opinion that it was for the good of Ulster and of the Irish people generally that some stop should be put to the growth of these customs. The Ulster custom rendered it mathematically certain that the tenant would be rack-rented to the very highest possible amount; for he had to pay, first, the interest on the money he had paid on entering upon his farm. He had to pay, secondly, the rent to the landlord, and these two put together would make up, in most cases an exorbitant rent. It was much the same as if in England the landlord went into the market and let his land to the highest bidder. They often heard of the almost insane competition for land in Ireland, and yet in that country the Ulster tenant-right custom rendered it certain that the tenant should pay the largest sum for the occupation of land that could be obtained in the open unrestricted market. Some time since he had endeavoured to ascertain upon what basis this custom rested, and he had asked the managing man of one of the great City companies whether sums paid under it were calculated upon a certain number of years' purchase, or upon the value of the improvements effected by the tenant, or upon any lucid principle whatever. The answer he had received was, that the amounts paid under the custom depended upon no such considerations whatever; but that, as a general rule, the incoming tenant paid the outgoing tenant "all that he had got." And not only was that statement generally not far from the truth, but in some cases it did not go far enough, because an incoming tenant often paid his predecessor more than he had got, having to borrow money to make up the difference. Was such a system calculated to operate beneficially upon either the tenants or the landlords? It rendered it a matter of absolute certainty that the tenant would be highly rack-rented, while it prevented the landlord from showing leniency to the tenant, because, in consideration of that very leniency, the sum the next tenant would have to pay to obtain possession would inevitably be increased. The effect of such a system upon the cultivation of the land was most disastrous, and thus, not only the landlords and the tenants, but the State generally, was injured by it. Under these circumstances, the sooner it was done away with, in a manner that would be fair and just to all parties, the better it would be for the country. It had been said that it was impossible to define the custom; its operation, as far as the tenant was concerned, was, however, most certain, because it acted as a prohibition to a tenant to occupy land unless he invested on the land a sum of money, which during the whole period of his occupation remained unproductive, and which he had to take his chance of getting back at the expiration of his tenancy. Its operation as regarded the landlord was also certain, because it put him in a state of permanent antagonism to his tenant and induced him to become an absentee. Whatever course the Committee might think it right to adopt with regard to this matter, let them, at all events, state their determination in clear and precise terms. That would be a manly and straightforward course for them to adopt, and it was only due to the Ulster tenant that there should be no vagueness in the language of such a Bill as this. In conclusion, he begged to move the following Amendment:—

Clause 1, leave out lines 10 to 20, inclusive, and insert,

"Whereas frequently in the Province of Ulster, and occasionally in other parts of Ireland, certain usages have prevailed, under and by virtue of which tenants upon the determination of their occupation have been accustomed to receive sums of money from the incoming tenants; and whereas it is desirable that all fair claims arising from such usages should be duly paid and discharged, but that such usages should continue no longer than is necessary for such discharge and payment, be it Enacted, That it shall be lawful for the landlord and tenant of any land subject to any of such usages to contract for the freedom of the land therefrom, and if they shall agree upon the sum to be paid by the landlord for such discharge, then upon the payment of the sum agreed upon a memorandum to that effect may be registered in the Landed Estates Court, and thereupon the land shall be freed and discharged for ever from such usages; but that until such a memorandum is registered such usages in respect of such land shall be deemed lawful, and may be enforced to such an extent and in such manner as are hereinafter provided:

"Whensoever before the passing of this Act land which had at one time been subject to any such usages has been discharged therefrom by agreement between the landlord and tenant, it shall be lawful for the landlord to apply to the Landed Estates Court to have a memorandum for such discharge recorded, and the Court upon due proof of such agreement, and due notice to the tenant, shall order such memorandum to be recorded, and generally whensoever the landlord of any land subject to such usages shall pay, whether by agreement with the tenant or in accordance with the decision of the Court, the whole sum to which the tenant is entitled for or in respect of such usages, the landlord shall be entitled to hold the land freed and discharged from such usages for ever, and to have a memorandum to that effect recorded in the Landed Estates Court."—(*Mr. Headlam.*)

SIR ROUNDELL PALMER said, that as the right hon. Gentleman's Amendment proposed to omit a large portion of Clause 1, it would, if proceeded with, at once preclude any discussion upon Amendments proposed to be inserted in the portion of the clause he proposed to omit.

MR. CHICHESTER FORTESCUE: Sir, in reference to all the latter part of my right hon. Friend's Amendment, I would submit to the Committee that it is not our business to decide for the landlords and tenants of Ireland whether the Ulster custom is a good custom or not. I know it is a custom of a peculiar character which has grown up under peculiar and exceptional circumstances, and it is one on which Gentlemen in this House, especially those who are not practically acquainted with the circumstances of Irish life, may entertain very various and, perhaps, very unfavourable views. But, for myself, I cannot help saying that I do not entertain views similar to those expressed by my right hon. and learned Friend. Judging of the custom not by some ideal standard, or by the practice of happier countries, but by Irish experience—taking the tenancies-at-will which enjoy the protection of the Ulster tenant-right, and comparing them with the tenancies-at-will which enjoy no privilege and no protection whatever except the naked law, I maintain, with the utmost confidence, that the tenancies of Ulster, guarded as they are by their customs, have proved far more beneficial for the interests of landlord and tenant and of the community at large, than similar tenancies which do not enjoy such protection. But with this kind of approbation based, not upon theory, but upon practice, I must say at once that it is not our business here to decide upon the merits of the Ulster custom. Our business is to decide—and I believe we have already decided—as to whether there is in Ulster a custom existing by the understanding of landlord and tenant which we should guard, protect, and enforce by law, instead of leaving it to the tender mercies of individual caprice, controlled merely by public opinion. I shall be very much mistaken if the Committee is not of opinion that it is our duty, however late, to give to this custom the sanction and protection of law. When my right hon. Friend made the observations which we have listened to, for the purpose of heaping odium upon the custom, his animus and absence of impartiality in dealing with the question were very evident. He talks of the hostile relations of landlord and tenant, and of absenteeism, as if they were the result of the Ulster custom. Does he not know that of all parts of Ireland the relations of landlord and tenant in Ulster are the best, and that instead of being hostile, it is the glory and pride of Ulster that they are of the most friendly and cordial character? I believe the Ulster custom to be one of the causes of these good relations. As to absenteeism, we all know that there is less of that in Ulster than in any other part of Ireland. Does my right hon. and learned Friend know that the landlords of Ulster, so far from having suffered from this custom, have been materially benefited by its existence? The best of them have told us, on the most public occasions, that they will stand by their custom, that they are proud of the relations between themselves and their tenants, and that in every respect—morally, socially, and materially—that custom has contributed to their own interests. But the most practical refutation of my right hon. Friend's views is conveyed by the fact that land in Ulster sells for several more years' purchase than land in any other part of Ireland. The rental, also, there is higher than anywhere else—my right hon. Friend would say in spite of the custom, but I say in consequence of it. And that arises from a cause which it is very easy to understand—the security, which is the essence of the Ulster custom, and which is the one thing of all others that the Irish tenant from year to year most desires, creates a larger production from land in Ulster than from land of equal quality in any other part of Ireland, and both landlord and tenant participate in the benefit of that increased production. My right hon. Friend's main objection to the clause as it stands is, that under it we do no good to the tenant of Ulster, and that we provide no means of getting rid of that which is of an obnoxious character. But I should like to refer him to the tenants themselves for their opinion, and if he were to canvass them all, from one end of Ulster to the other, and take the votes by ballot or in any other manner, I am sure he would not find one to agree with him in the view that this Bill will do them no good. The custom at present depends, in a great degree, upon the will and pleasure of the landlord, and is under the protection of his character and honour. For the most part that is, undoubtedly, sufficient security; but it must be borne in mind that the custom is liable at any moment to be violated or extinguished by unscrupulous persons who do not regard their true obligations in the matter, and who are indifferent to public opinion; and to say that you will confer no benefit on the tenants by putting the custom under the guardianship of the law, and enforcing by law what is now only enforced by honour and morality, is one of the most extraordinary statements I ever heard. The tenants of Ulster deeply appreciate the proposal made by the Government, and they know it will make a vast difference in all their calculations and hopes for the future, whether their interests under the custom shall depend on the law of the land, or merely upon the will and pleasure of their present or some future owner of the property. My right hon. and learned Friend says we have no proper means for getting rid of this obnoxious custom; but I submit that it is not our business to provide for that. [Mr. HEADLAM: I did not say that.] Well, if my right hon. Friend does not mean to provide means and facilities and machinery for getting rid of it, I do not know what he does mean. My contention is that we have done quite enough when we say that so long as a holding in Ulster can be proved to the satisfaction of the Court, which will examine into these matters, to be subject to the Ulster custom in any of its forms, the Court shall enforce that custom, taking the custom as applied to that farm to be the understanding in reference to which the parties have covenanted—to be, in fact, the virtual covenant between the parties; and that, on the other hand, wherever the Court finds that the farm or holding with which it has to deal—as we know is sometimes the case in Ulster—is not subject to the custom in any of its forms, the Court shall not enforce the custom in regard to a holding to which it was not applicable. The 1st clause says that wherever the custom has been bought up it shall not be enforced in future—a provision which may itself be open to the charge of surplusage. But to go beyond that and provide a machinery to facilitate the process of extinguishing that custom is, I submit, not the duty of Parliament. That would imply an assumption with respect to the Ulster tenant-right custom which I do not think it is our business to imply, and in itself it is not essential for the purpose, because wherever the parties have mutually agreed to that effect, and are able to prove to the Court that the holding is not subject to the custom, the Court will not enforce it. In respect, then, to this and to many other Amendments which were to follow it, I maintain that it is not the province of the Committee to dictate to the Court as to all those details and incidents of the custom, but to leave the Court to find out in each case that comes before it the facts and equities with which it will have to deal. My right hon. and learned Friend proceeded to say that we were deceiving the people of Ulster because we had not sufficiently defined what their custom was. Now, that is just what we have advisedly refrained from doing. We are of opinion that we should gain no good whatever by any attempted definition.

MR. HEADLAM: What I complained of was that, while declaring it to be a "legal custom," you do not give the tenant any actual redress.

MR. CHICHESTER FORTESCUE: I confess I have great difficulty in comprehending what my right hon. Friend means. Does he not know that the tenants of Ulster attach the greatest possible importance to this custom as it stands in all ordinary cases—in all cases except where it has been ground down by the action of the landlord in a manner that has made it no longer fair to the tenant? The Ulster tenants consider it to be a matter of the most vital interest, and they ask for nothing else than that the custom should be safe by receiving the protection and guardianship of the law. And yet my right hon. Friend tells us that the clause will do no good and will prove of no benefit to the people of Ulster. All I can say is that if my right hon. Friend had only taken the trouble to acquire some knowledge of Ulster before this land question came before the House, and to become acquainted with the feelings and opinions of that Province, he would have found that what we are proposing to do is the very thing which the people themselves most desire. I am quite aware that the clause under discussion has given rise to some suspicion, both on the part of the landlords and the tenants, because each party imagines that some incidents of the custom, favourable to their interests, will not receive the sanction of law, not being specified and defined in the Bill. Our desire, however, is that the custom should be enforced by an impartial Court as the Court finds it; and in that case it will be found that there is no ground for these suspicions. We have no desire whatever either to extend or impair that custom; but we think that both parties will find that with an impartial Court to enforce the custom they will have far more security and safety than could be produced by the most elaborate legislation on the part of this House.

SIR FREDERICK W. HEYGATE said, he might refer the right hon. and learned Gentleman who had introduced the Amendment (Mr. Headlam) for an explanation of the origin of the Ulster custom to the Report of the Devon Commission of 1845, in which it was described as dating from a very early period, and as having probably sprung up as a natural consequence of the manner in which landed property was granted and dealt with in that Province. The right hon. and learned Gentleman wished to know some of the advantages arising from the Ulster custom. Well, they had it, on the authority of the late Mr. Senior, that where tenant-right prevailed there great security existed; that there was no such thing as agrarian murder there; that the people were practically bound over to keep the peace by the custom, because if crime and outrage prevailed the value of the tenant-right would fall. It should be remembered that a great difference existed between the Northern part of Ireland and the rest of the country. In Ulster the people were of a very saving disposition and accumulated money, and, there being few investments open to them, they would not be satisfied with the small interest given for deposits, but put their money into tenant-right, believing they were perfectly certain to obtain its return when required. He was now only offering an explanation; he was not by any means advocating unrestricted tenant-right. On the contrary, he thought the abuse of the custom had led to a great many of the evils that had been complained of. Another good result of the system was this—in a country where there were so few proprietors, it was obvious that any measure which gave a larger number of persons an interest in the institutions of their country must be attended with great advantage. He had himself looked closely into that question of tenant-right, and when he first went to Ireland he entertained much the same opinion as the right hon. and learned Gentleman; but his views on the matter had changed, and he now thought that as long as the Ulster custom was confined within moderate limits, as long as it did not eat up too much of the tenant's capital, and did not give to the tenant—what unrestricted tenant-right was apt to give him—every advantage arising either from the constant and steady increase in the prices of agricultural produce, from the introduction of communication by railways and by steamers, or more or less also from the deterioration in the value of gold, with all of which the tenant had nothing to do—as long, he said, as tenant-right was confined within moderate bounds, and secured proper compensation to the tenant for the improvements he had made, he believed it had conferred great benefits on that Province. Ulster was peculiarly situated; it had a thrifty and an energetic race of farmers; and he would not now enter into the question whether or not it would be wise, right, or even possible to extend the Ulster custom to other parts of the country. The right hon. and learned Gentleman said the Ulster tenants were rack-rented. ["No!"] At least he understood him to say they were very highly rented, higher than in any other parts of Ireland. Rents in some particular parts of Ulster might, from peculiar circumstances, be rather higher than elsewhere. The proximity of manufacturing towns, for example, must operate, to some extent, to raise rents; but, generally speaking, the Ulster tenants were not higher rented than other tenants. He would conclude by saying that it was a great pleasure that on one occasion in his life he was able to thank the Chief Secretary for Ireland for the generous words he had spoken with regard to Ulster.

MR. SYNAN said, the assumption which underlaid the Amendment of the right hon. Gentleman (Mr. Headlam) seemed to be this—that because a tenant was allowed to sell his right of occupation, there was so much added to the rent and taken out of the pocket of the landlord. But the Committee might imagine a state of things in which both landlord and tenant would be benefited, and conclusive evidence of such benefits was to be found in the fact that rents were better paid and higher, while property sold for five years' purchase more, in the North than in the other parts of Ireland. Then it was objected that legalizing tenant-right in Ulster would produce inequality; but the answer to that was that there was an Amendment on the Paper that tenant-right should be extended to the rest of Ireland. The right hon. Gentleman had also urged that the landlord had no right to purchase; but the custom was that if the landlord wished to pay what a stranger would give, he had a right to pre-emption. That being a part of the usage, it was legalized by the clause, and therefore the landlord would have the right of purchase under the Bill. As to the objection to the vagueness of the clause, he admitted that the custom was vaguely referred to; but the hon. Member for

Belfast (Mr. W. Johnston) proposed to define it. Parliament was bound, in justice, to legalize the custom, for this reason—that purchasers in the Landed Estates Court were in the habit of raising the rent, and thus undermining the custom. Indeed, the courts of law ought to have legalized it long ago. When discussing the 12th clause, he thought it would be necessary to extend its machinery to the case of the Ulster custom in the North of Ireland, and show the tenant how to go to the court to deal with a landlord who would not allow him to sell.

Mr. DENT said, he could not help thinking that his right hon. and learned Friend (Mr. Headlam) had been somewhat unfairly misrepresented. His right hon. Friend was quite prepared to recognize the Ulster custom; but his Amendment embodied the opinion that tenant-right was a disadvantage, and that, as soon as possible, it ought by any means to be redeemed, and when once redeemed to cease. Proprietors from the North of Ireland seemed to have a very different opinion on this subject from English proprietors; for the latter could hardly conceive a worse thing than that a tenant should expend nearly the value of the land in the purchase of the goodwill, for that seemed nothing short of taking from the tenant capital which he ought to have for the cultivation of his farm. Therefore, although they were bound to recognize the Ulster tenant-right now existing, and not to leave people in a state of uncertainty and doubt, they were also bound to say that they did not wish to encourage such a custom, but to see it redeemed as soon as possible. The Chief Secretary for Ireland was, therefore, unfair in saying it was not the duty of the Committee to express an opinion on the subject. As to the Ulster tenant-right being a security for life and property, he would only say that in England and Scotland they required no such security. And if the Ulster tenants were a saving race, and liked to invest their money in so unremunerative a way, that only showed they were not so wise as could be wished. He would certainly support his right hon. Friend if he went to a division.

Mr. GLADSTONE said, he would submit to the Committee that there was no advantage whatever in discussing at the present time the general merits of the Ulster custom, and for this reason—that the Ulster custom was legalized not only by the clause, but by the Amendment. And as to the alleged economical and social evils of the custom, what his right hon. Friend (Mr. Headlam) called upon the Committee to do was to condemn the principle, while, at the same time, he affirmed it, under certain conditions, in practice. Now he (the First Lord of the Treasury) affirmed, without fear of contradiction, that it was not expedient to deliver a condemnation of any principle unless they were prepared to follow such condemnation by some practical action. If this custom was exceedingly dear to the tenant-farmers of Ulster —and the Committee knew they had £20,000,000 sunk in it—it would be exceedingly annoying and offensive to them to have such language used in disparagement of it; and though he would not say they ought not to use such language if they had a practical object in view, his right hon. Friend had no such object. In fact, his right hon. Friend made less provision for the extinction of the custom than the Bill did, for the Bill, as it stood, left it perfectly free for the landlord and tenant to covenant for its extinction, and consequently a landlord could extinguish the custom exactly in the way that Lord Dufferin said he had done, either by settling with his tenant beforehand or by giving him, at the expiration of his tenancy, whatever he had a right to obtain. If the landlord bought up the claim of the tenant, he would be free to let his land altogether exempted from the custom. But no man could put an end to the custom under the Amendment of his right hon. Friend without going through the additional formality of a registration. He must, therefore, oppose the Amendment.

Colonel BARTTELOT said, he wished to know when they were to discuss this question of Ulster tenant-right? If they did not discuss it now, they might be told by-and-by they were out of court, and could not discuss it at all. He should like to ask the right hon. Gentleman at the head of the Government whether, in bringing in this Bill, he was looking to the future amelioration of the Irish people, and the improvement of Irish farming, because that point ought never to be lost sight of. If they were going to perpetuate a custom which, to the people of Ulster, might seem good, and which might, up to a certain point, have resulted in good to landlords and tenants in that part of the country, but which could be shown in an improved state of agriculture to be an evil, then on that ground they ought to discuss the whole question very fully. His belief was that if they passed this clause, they would perpetuate the custom. But supposing a better state of things in Ireland, and that in time to come the Ulster tenant-farmer thought he could invest his money better by laying it out on the soil than by buying a precarious thing like tenant-right. If hereafter it should happen that he had to borrow money to cultivate the land under certain conditions which he (Colonel Barttelot) hoped yet to see put in the Bill, for the mode of cultivation now adopted was notoriously bad, then it would be most mischievous if they were to pass this clause. It was perfectly true—although the right hon. Gentleman (Mr. Headlam) had denied it — that good feeling existed at present between the Ulster landlords and their tenants; and there was no likelihood of the landlords seeking to injure their tenants by harshly and suddenly abolishing tenant-right. With reference to the intended purchase of the Waterford estate by the tenants, which had been referred to by the right hon. Gentleman the other evening, he might remark that that was not a good instance. The tenants of the Marquess of Waterford were anxious to purchase their holdings, because the property had been very badly managed. The tenants had been allowed to pay exorbitantly for their tenant-right—in fact, they had paid as much, or nearly as much, as would have sufficed to purchase the fee-simple of the land they occupied, while the landlord had not been paid the amount of rent that he ought to have received. If such a state of things was allowed to continue, the tenants would not be able to cultivate their land in a proper manner. He contended that in what they did they ought to have regard to the interests of Irish agriculture, and to diminish, as far as possible, the burdens of those by whom the land was cultivated, so as to enable them to cultivate their land properly, fairly, and honestly.

MR. GLADSTONE said, in answer to the hon. and gallant Gentleman (Colonel Barttelot), he thought it clear that the time for discussing the question of the Ulster tenant-right in principle would be when the question was put for passing the clause.

MR. G. B. GREGORY said, he thought that some words should be inserted providing that any tenant, where the tenant-right had been purchased, should be debarred from obtaining compensation under the other clauses of the Bill.

MR. CORRANCE said, he agreed with his right hon. Friend (Mr. Headlam) in thinking that a division would be hardly satisfactory until a more complete explanation had been obtained of the nature of the clause and the effect of the Amendments. As Englishmen they were considering the question under some disadvantage, because the Ulster tenant-right was utterly opposed to all their practice and their ideas of political economy. They were inclined to regard the matter with some disfavour, and were surprised to find that tenants in Ulster were willing to give twenty, thirty, and even forty years' purchase for a temporary occupation, when they could buy the fee-simple of the farm for the same amount. It seemed monstrous that a tenant should be willing to purchase at such a rate the privilege of having a landlord, and in fact, as Lord Dundreary would say, it was a thing "no fellow could find out." An Irishman once suggested, as an explanation of this extraordinary state of things, that perhaps the tenant liked to have a landlord to shoot; but that did not meet the case, because, as our Irishman observed, if the man bought the farm he would be at liberty to shoot himself. The matter was not only unintelligible, but it was undefinable; and even the learned and jocular Solicitor General for Ireland had been unable to define it in terms. He could understand the purchase of the goodwill, or of improvements; but with regard to the other points, he thought, with the hon. Member for the City of Dublin (Mr. Pim), that the consideration of this clause should have been postponed until the 3rd clause had been discussed. He was prepared to admit that the tenant-right in Ulster had been attended with great advantages; and that it had, in an imperfect and rudimentary fashion, supplied what was provided in a much better manner in this country. It was a conditional circumstance applied to a conditional state of things; but upon its own merits simply it would not bear a moment's examination. It was costly to the tenant, and onerous to the landlord; and it absorbed the capital of the tenant, giving him the doubtful privilege of recovering it at the end of the term when he might want to go to America. If, however, he had, in the first instance, purchased the fee simple, he need not go to America at all. Mr. Thompson, late President to the Royal Agricultural Society, ably summed up the matter by describing the Ulster tenant-right as

> "An ingenious device which takes from the landlord without giving to the tenant; and whilst ostensibly conferring a benefit on the cultivator of the land really robs him of his capital so long as he has any land to cultivate."

He confessed, however, that it was a necessity. It was an appalling fact that out of 500,000 occupiers in Ireland 250,000 possessed holdings under fifteen acres each. Such a condition of affairs represented a system of beggary. Hon. Gentlemen sometimes talked of the miserable condition of the English labourer; but his earnings were of greater annual value than those of the cultivator of a holding of that extent. The English labourer might make, with 12*s.* a week and £5 harvest money, £37 per annum; but the utmost a man could hope to gain from fifteen acres of miserable land was £28 or £30 a year. The laws of political economy hardly extended to such an arrangement; and, therefore, he was willing to apply such provisions as this Bill contained, provided they were temporary. The Amendment proposed to give an opportunity to the landlord to free both himself and his tenant from their heavy burdens; but it was hardly sufficient for the purpose. He believed the effect of the Amendment would be to extinguish the obligation which under the 12th clause was to be imposed upon the landlord. He entirely objected to its being a matter of contract between the two tenants. It was necessary to provide that when the landlord had by an equitable arrangement recouped the tenant he should not be subject to a still more onerous obligation. He might purchase this right at ten, twenty, or thirty years; but, when he had done that, he would be liable, under the 3rd section of the Act, to a further tenant-right amounting to between three and seven years' purchase. That would not be so much a tax upon the landlord; because any practical man would direct his agent to make such a contract with his tenant as would place full security in his hands for the entire amount of the right to be created. The only limitation would be that he might not be able to find anybody to do it. Still, it must not be forgotten that in Ireland there existed a passionate desire to possess land; it was admitted that there was so great a demand for land that a landlord could readily find forty persons who would be glad to become his tenants upon any conditions he liked to impose. This suicidal mania, prevalent amongst Irish tenants, showed that they required protection against themselves, and the Bill did not meet that want. Having made these observations on this question, it would not be necessary for him to address the House at any length when he moved the Amendment of which he had given notice. He should give his support to the Amendment of the right hon. Gentleman (Mr. Headlam), because it did not perpetuate the evil to which he had referred. He hoped that hon. Gentlemen would not consent to deprive the landlord of any power which he might have of freeing both himself and his tenant from the obligations which pressed so heavily upon them.

MR. W. H. GREGORY said, that as almost every remark tending to depreciate the Ulster custom of tenant-right had been received with expressions of approbation, he was rather afraid there was a possibility of the Amendment being carried. ["No, no!"] He was much reassured by the murmur which proceeded from below the Gangway, because he believed that nothing could be more dangerous than that there should be embodied in the Bill, or that there should appear to be a general desire to embody in the Bill, such words as—

> "It is desirable that all fair claims arising from such usages should be duly paid and discharged, but that such usages should continue no longer than is necessary for such discharge and payment."

The mere fact that such a clause as this had been seriously entertained would give rise to feelings of the greatest resentment in Ulster, and, in consequence of the clause having been entertained, hon. Members had been obliged to comment at the present moment to a certain extent on the effects of tenant-right instead of reserving the discussion on that subject till they came to the end of the clauses. With regard to tenant-right he would merely repeat what had been stated so often before—that in Ulster landlords got a higher amount of rent than could be obtained in other parts of Ireland for land of the same quality; that the land was better cultivated, and that it yielded more produce that in other provinces. There might be many theoretical objections to the Ulster usage, but, after all, they were merely theoretical; but if hon. Gentlemen would consult the Reports of the Poor Law Inspectors, which had been recently delivered to the House, they would find that wherever the Ulster custom had been extended to other parts of the country it had brought with it all the blessings it conferred in Ulster—namely, a contented population, improved cultivation, and better relations between landlord and tenant. In a recently-published pamphlet Mr. Russell, a Scotch gentleman, said in reference to the small holdings so common in the North of Ireland that one of the things which struck him most was the perfectly easy manner in which the agents could collect the rents, and he went on to mention how aghast he felt in passing from Ulster into Connaught, at the appearance of the miserable hovels in Leitrim, held under tenancy-at-will, as compared with the Ulster cottages. It was comfort and independence in the one, squalor and misery in the other. Moreover there was a feeling of irritation in Ireland at the name of Ulster being introduced into the Bill, as it was thought there ought to be no discrimination between one part of Ireland and another, and he certainly thought it would be desirable not to make any special allusion to Ulster in the Bill.

Mr. GOLDNEY said, he differed from some of his hon. Friends in regard to this question, which, in his opinion, had been looked at rather from an economical than an Irish point of view. As regarded the comparison between the number of years' purchase given for the tenant-right and the value of the fee simple of the land, it ought to be borne in mind that there was no chance of buying freehold land in Ireland in small quantities, and that, consequently, the occupier, by buying the tenant-right, got a status which was obtainable in no other way. He likewise got a dwelling-house, and it was well known that in many parts of Ireland it was very difficult to get a piece of leasehold ground to build upon. One great advantage of the tenant-right system was that from the very commencement of the tenancy the landlord had an absolute guarantee for the payment of the rent, for he knew that the tenant had invested a sum which he hoped to get back when he left the holding, and that when the goodwill was purchased all arrears of rent would be paid. The purchase of land was not the best of investments in England; but the fact that higher interest could be obtained in other ways did not deter persons in this country from devoting themselves to agricultural pursuits. It appeared to him that the original clause in the Bill gave everything asked for by the Amendment. At all events, he thought they ought now to confine their attention to the particular point raised, and not go into the general merits of the Ulster custom, when only an Amendment to the clause was before the Committee.

The Marquess of HAMILTON said, he wished, as an Ulster Member to say a few words in favour of the custom of that Province. He thanked the Chief Secretary for Ireland for the manner in which he had spoken of the tenants and landlords generally in Ulster. Objections had been raised to the theory of tenant-right, and though some of these might hold good, especially in cases where the incoming tenant had been impoverished, yet he maintained that in practice the system worked in the most satisfactory manner. It had been the means of giving to the Ulster tenant that independence of circumstances and of character which so distinguished him, and moreover it had tended to promote that friendly and social intercourse between landlord and tenant which did not exist to the same degree in the rest of Ireland. As the Irish farmer generally was attached to the soil, so the Ulster tenant was wedded to this custom; and he might almost say that the son of every tenant in Ulster was born with tenant-right round his neck. Then it gave the tenant an interest in the soil he occupied, for he knew that the money he laid out upon it would be repaid to him at the expiration of his tenancy. The right hon. and learned Gentleman the Member for Newcastle (Mr. Headlam) was, he thought, rather severe on the Ulster tenant-right custom—at all events his remarks went to the extent of stating that the legalizing of the custom would not confer any substantial benefit upon the Ulster tenant. To this observation he should merely reply that if they removed the custom they would inflict a substantial wrong. As one of the main principles of the Bill was to do justice to the Irish tenants, one of the first objects of the Bill would be defeated by adopting the Amendment.

Mr. W. FOWLER said, he hoped the Amendment would not be pressed to a division. He looked upon the Ulster tenant-right system as being in theory a great mistake. The people of Ulster, however, evidently liked it, and it would be a very serious thing to come to the conclusion that it was an absurd custom and ought therefore to be got rid of as soon as possible. That being his opinion, he was not prepared to vote with the right hon. and learned Member for Newcastle (Mr. Headlam). There was, at the same time, some obscurity in the clause itself, with respect to the machinery for carrying it out, which it would be well to have cleared up.

Mr. M'LAGAN said, he was no admirer of tenant-right custom, or of many of the agricultural customs of England. Such undefined and undefinable laws were, he thought, not beneficial to agriculture. If the Amendment were passed, it would be useless, because it would provide nothing more than was provided for by the clause as it stood. Its operation might, indeed, be mischievous by giving rise to a spirit of dissatisfaction and discontent. When he last visited Ulster, he found that the farmers there were very much attached to tenant-right, and the Committee ought not, in his opinion, to act in opposition to that feeling.

Mr. BOURKE said, he wished to know why it was that the other usages of Ireland were treated differently from the Ulster usage. He also thought that before they proceeded further, the Solicitor General ought to explain how the usages of Ulster were to be enforced, for it was said that they were to be enforced "in manner provided by this Act."

Mr. HEADLAM said, he could not see that any satisfactory reason had been given for legislating for Ulster in a different manner from that in which they legislated for other parts of Ireland. Under the terms of the clause legalizing the custom, no right of action was conferred upon the tenant. He admitted that the people of Ulster liked the custom; but what he objected to was the use of general words in the Bill calculated to raise expectations on their part which there would be no means of realizing. The use of such vague language must operate prejudicially.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, the effect of the clause, if carried, would be that the Ulster custom would have a legal foundation which it had not at present. There was a great difference between a wrong with and one without a remedy. The mode of enforcing the remedy in the case of the Ulster tenant-right would be pointed out at the proper time. He thought there was no use in discussing the whole principle of the clause upon a single Amendment. As the object of the Bill was to do justice to the Irish tenant, one of its main purposes would be defeated if something like the present clause were not passed.

Amendment *negatived*.

Mr. SAMUELSON said, he could see no reason why a distinction should be drawn between the Ulster custom and the customs prevailing in other parts of Ireland. It appeared invidious; it would awaken a suspicion that a preference was given to the North over the South; and, unless it was absolutely necessary to retain them, all such distinctions should be effaced from the Bill. He therefore desired that Clause 2 should be expunged, and that all customs should be treated under one and the same clause, and in one and the same way. Whatever was the extent of the customs other than tenant-right they should be acknowledged, and acknowledged without limitation. In Ulster the tenant-right custom was infinitely various, and carcely extended beyond a limited area, comprising the counties of Down, Antrim, and Armagh; but, according to the Reports of nearly all the Poor Law Inspectors, the custom prevailed to a certain extent all over Ireland, especially in Leinster and Connaught, and was reported to be gradually gaining ground under the influence of public opinion. He believed that the aggregate of the estates upon which the custom, or analogous customs, prevailed, in the other

Provinces was as extensive as in Ulster. He hoped, therefore, that the Committee would accept his Amendment, and would treat all these customs without any distinction or limitation—except that which inhered in the custom itself.

Amendment proposed,

In page 1, line 10, after the first word "the," to insert the words "usages relating to the transmission of a holding by tenant, and to the compensation to be made to or on account of an outgoing tenant of a holding, including the usages commonly known as the Ulster tenant-right custom, are hereby declared to be legal customs, and shall, in case of any holding proved to be subject to any such usages, be enforced in manner provided by this Act."—(*Mr. Samuelson.*)

MR. COGAN begged to express his entire concurrence in the views expressed by the hon. Member for Banbury (Mr. Samuelson), and he awaited with great anxiety the reasons of the Government for the course which they had adopted in this matter. After giving the subject the best consideration in his power, he could not conceive why they should separate Ulster from the other parts of Ireland. If the Ulster custom was only partial, even in Ulster, and if the other customs of the country had the same characteristics, why should it be necessary to have two clauses to deal with them instead of one, when the intention was to legalize the customs, with all their variations, as existing facts? If a custom existed on the Earl of Portsmouth's estates in Wexford, or in any county, by which compensation was given to an outgoing tenant free from any of the limitations mentioned in the three provisoes of the 2nd clause, why were they not to legalize this custom, and why were they to apply to a custom that prevailed outside Ulster special restrictions that did not attach to the custom of Ulster? If the restrictions existed out of Ulster, legalizing the customs as they exist would answer every purpose without inserting the restrictions in a clause. If the intention were to create new restrictions that would not be dealing in a fair and uniform manner with the whole of Ireland.

MR. POLLARD-URQUHART said, he would appeal to the Government not to reject the Amendment of the hon. Member for Banbury (Mr. Samuelson). He failed to see why a custom existing in any of the other Provinces should not be legalized as well as the custom of Ulster. If these customs were not legalized, great injustice would be done to many tenants, who, through the gradual rise in the value of agricultural produce since the Crimean War, had acquired considerable beneficial interest in their holdings, which had passed from one to another at considerable premiums, generally speaking with the consent of the landlords; for the old landlords, generally speaking, had not taken advantage of the improved agricultural prospects; but when the property had changed hands, new landlords were too often indisposed to concede the benefit thereof to tenants. The landlord lost nothing by allowing tenants to sell their interests, if he was willing to let his ground to a small farmer at the same acreable rent that a large capitalist farmer would give for it; for the profits of stock were greater in the case of the small farmer who worked himself, than in that of the large farmer, who hired labourers, and the purchase-money represented the capitalized difference between the profits of the former system over the latter system. He believed that if the custom were abolished the small farmers would be evicted and reduced to the condition of Lincolnshire gangers—evidence of whose state had been laid before the House—or have to emigrate to Sheffield there to blow each other up.

MR. BRADY said, he would support the Amendment. He believed that the custom of Ulster had made that Province what it was. He had listened with much gratification to the remarks of the noble Marquess the Member for Donegal (the Marquess of Hamilton). The noble Marquess had been brought up in a county where the advantages of Ulster tenant-right were apparent, and what he said was therefore deserving of the consideration of the House. Though it was not easy to make a custom, it might be worth while attempting to foster generally a custom which had proved such a blessing to one Province.

MR. PIM said, he rose to express his hope that the Government would see it right to accede to the wishes which had been so generally expressed. He could not think that special legislation for Ulster would satify the other three Provinces. In those Provinces there would, under the 2nd clause, be no claim by the tenant unless he were disturbed in his holding, and he would not have the power to sell his tenant-right to a new tenant. He would again direct attention to a passage in the Report of Mr. Hamilton, Poor Law Inspector, who said—

> "In Fermanagh the Ulster tenant-right custom exists upon many estates in a modified form, restrictions being imposed which are almost unknown and would hardly be tolerated farther north."

From this it was evident that there were many parts of Ulster in which the custom of tenant-right was, in fact, not so well observed as it was on several estates in the three Southern Provinces. He knew it might be said that this was only a sentimental grievance; but it was for a sentimental grievance that the Irish Church was disestablished, and it would be blowing hot and cold to disregard in the present case a sentimental grievance.

Mr. GOLDNEY said, he thought that the hon. Gentlemen who had spoken in favour of the Amendment were now very hard on Ulster. That Province had before been lauded up by them as the happiest Province, because it had this usage of tenant-right, and when the Government proposed to legalize the usage those hon. Gentlemen objected unless customs in other Provinces were legalized also. Surely they might deal with the Ulster custom as it existed, and it would be quite competent for hon. Gentlemen, when they came to the 2nd clause to say that all the rest of Ireland should have the same thing done for it.

The ATTORNEY GENERAL said, he thought the Committee would see that it was impossible to agree to the Amendment as it stood; and when they came to the 2nd clause, it would be quite right to consider whether it required amendment. The adoption of the Amendment would be a declaration by the Legislature that every conceivable custom in Ireland, relative to the transmission of a holding by a tenant, was a legal custom. That would be going further than the Legislature was justified in going, and further than it would go in respect to England, where there prevailed a variety of customs, some reasonable or legal, and some unreasonable or illegal, and it was left to the courts of law to determine which of those two characters attached to them. But, as the Ulster custom was not recognized by the courts of law it was now proposed that it should be recognized by them; and this was proposed on well understood grounds. They knew what the Ulster custom was; but it was quite another question whether it was desirable to give a complete definition of it in an Act of Parliament. He repeated that they knew substantially what the Ulster custom was, for it had been acted upon and recognized by landlords and tenants, and by writers in the Press, and others. No doubt there were several usages in reference to the Ulster custom; but they were substantially understood, and in declaring the Ulster custom legal Parliament recognized that which was understood. To say, however, that every conceivable custom, whether they knew or did not know what it was, should be legal, would, as he before said, be going further than the Legislature had any right to go, and the words of the Amendment would, in fact, commit them to "a leap in the dark." Suppose it had been the custom in some part of Ireland that tenants might be ejected without notice, such a custom would be declared legal by this Amendment, as would every other custom, whether it were in favour of the landlord or of the tenant. He agreed that it might be desirable to define the Ulster custom as far as they could define it, and that point would be raised on an Amendment given notice of the right hon. and learned Member for Dublin University (Dr. Ball), after which it would be competent for the Committee to consider whether the other customs of Ireland could be dealt with in a manner different from that proposed in the 2nd clause of the Bill.

Mr. O'REILLY cordially supported the Amendment of the hon. Member for Banbury (Mr. Samuelson). The avowed object of the Government when introducing this Bill was to legalize the custom of Ulster in regard to the tenure of land, where and as it existed, without attempting to define what that custom was. Well, they proposed to do so by the 1st clause, but in the2nd clause their object was to legalize the land customs in regard to other parts of Ireland. Now, what the hon. Member for Banbury, and the great majority of Irish Members, wanted was to obtain those two objects by the one clause. If the objects of both clauses were the same, why should they not be attained by identical legislation? Why import into the Bill any limitations in regard to the land customs out of Ulster that were not imposed in regard to the custom of Ulster? The Attorney General asked the Committee to settle this question regarding the Ulster custom first, and then they could consider the other customs. He (Mr. O'Reilly) should be happy to assist in doing so if the one question was not involved in the other. He was very glad to hear the hon. and learned Gentleman say that they knew exactly what the Ulster custom was, but they did not know precisely what the other customs were. The Government, however, did not attempt to define the Ulster custom, but left it to the Courts to determine it, for the reason that though it was in some measure identical it varied upon some points. And yet whilst they declared they did not know precisely what the land customs in other parts of Ireland were they proposed limitations and restrictions respecting them. Why did they not leave them to be determined by the same test as that to which the Ulster custom was to be submitted? He hoped that their legislation would be made identical throughout the whole of Ireland.

Mr. GLADSTONE said, he doubted very much, from the speech of his hon. Friend who had just sat down, whether he completely understood the view with which the Government made their proposal to the House, and the ground on which they resisted the Amendment of his hon. Friend the Member for Banbury (Mr. B. Samuelson). The Attorney General for England stated that the Government knew the meaning of the Ulster custom. Well, he (Mr. Gladstone) thought they did in this sense. Without entering into its specific varieties, the essential distinction of the Ulster custom was this—that it rested on the consent of the landlord, and was so established by practice and tradition that they were entitled to assume it to be part of the covenant under which the tenant took his holding. That was the essential distinction of the Ulster custom, and upon that arose this question—first, was there any Ulster custom beyond Ulster? Secondly, was there any other customs out of Ulster of similar authority; and, if so, did they, or did they not, deserve any recognition from Parliament? With regard to the Ulster custom, what he observed was this. There was a great deal of latent misgiving in the Committee—there was no denying it—in the minds particularly of English and Scotch Members, who, perhaps, did not enter into the circumstances of Ireland with that attention which it was the duty of the Government to bestow upon the subject, as to the soundness of the Ulster custom at all. Under those circumstances—while that misgiving existed, and before the Committee committed itself to the Ulster custom — his hon. Friend the Member for Banbury proposed to import into the clause a general recognition of all the customs that prevailed in Ireland in regard to the holding of land. Now, if his hon. Friend wanted to get the Ulster custom overthrown, he (Mr. Gladstone) could not conceive a better mode of effecting that object than to load this clause, or he might say, overload the vessel, with such a miscellaneous cargo. The ground upon which the Government stood, and they took that ground boldly, was this—They did not wish to blame the Irish Courts for the course they had taken in this matter; but they said the Ulster custom was a custom of such a nature that it ought to have been recognized as a part of the covenant. It had not been recognized, and justice required that it should be so recognized. Their proposal, then, was this—first, let this question be discussed—it was a broad proposition, well deserving the most serious and careful separate consideration — whether that which had heretofore been repudiated by the Courts, but which they contended had, nevertheless, authoritatively prevailed throughout by far the greater part—nearly the whole—of the Province of Ulster, had acquired such a standing and hold, that in equity and in good faith Parliament was bound to recognize it, and give it the force of law. The Government said it ought to be so recognized; but, still, that was a proposition which he thought was not a self-evident one, and it well deserved a minute and careful examination. It appeared to them, without at all pretending to rule what the final judgment of this Committee should be on customs other than Ulster customs, that by far the best way in difficult legislation of this kind was first to go to the point to which they had at length seen their way clearly; when they had reached that point, it was probable that they might see their way a little further. What they said was, that the Ulster tenant was clearly entitled to have his custom recognized. He believed—and he spoke under instruction—that there was no doubt that the moment the Legislature declared that this was a legal custom it invested the Ulster tenant with a right to have it recognized and acted upon by the Courts. The words in the Bill, which said that the question should be decided in the manner prescribed by that Act, merely meant that they were going to set up special courts exclusively to entertain these questions. Without those words, the settlement of the Ulster right might go into the existing courts; but the Government wished to provide a court in which the landlords and tenants might settle their differences. "In manner provided by this Act," therefore meant the cheap and easy machinery which the Act supplied. He would not pretend to rule the question of principle involved in the Amendment; but he did say that if, as he understood his hon. Friend to mean, there were customs which had the same weight, force, and authority in equity in other parts of Ireland as the customs in Ulster, they should be subjected to the same treatment. But after long labour he found the subject a difficult one to get at the bottom of. He hoped discussion would throw light on it, and if there were customs out of Ulster entitled to the same recognition as those in Ulster, by all means let them have it. But this was quite plain—that there was no district in Ireland where the landlord was morally bound, independently of his own will and judgment, to acquiesce in those customs except in Ulster. There was no district in Ireland where the same force and weight of opinion could be said to exist, and where landlords felt that they would be guilty of a breach, to a certain extent, of moral obligation if they declined to obey the custom. This was a most important point, and he felt bound to own that he had been himself to blame in this matter; for he ought at the outset, on introducing the measure, to have called the attention of the House to a provision in the Bill with respect to the case out of Ulster which approximated most closely to the Ulster usage—namely, where the tenant had paid a sum on becoming tenant of his farm. That case was provided for in Clause 6, which enacted that wherever a tenant had paid a sum on coming into a farm with the consent of the landlord—that was the essential feature that brought it substantially into the same category with the Ulster custom—he should be entitled to obtain a judgment of the Court in respect of the amount he had so paid, unless the landlord permitted him to dispose of his interest—which was the Ulster custom. These questions were in the rest of Ireland matters of extreme difficulty. The Devon Report, Messrs. Ferguson and Vance's Report, all the authorities on the subject of custom of tenant-right, in other parts of Ireland than Ulster, proved this. He ventured to say that there were very few questions of fact that were more difficult to dispose of. It was a very serious matter to carry the Ulster custom beyond Ulster. He did not give an adverse judgment in this matter; but he said distinctly that it was a question that deserved most serious consideration. They had in Ulster a state of things that existed nowhere else—could the hon. Member show him a county or a large part of a county throughout the whole of which it was a matter of honourable obligation on the part of the landlord to recognize the Ulster custom? No one had gone nearer to constituting an Ulster custom than the Earl of Portsmouth. He had gone to the extreme of liberality and equity towards his tenants, and he (Mr. Gladstone) believed another gentleman had followed his example. These two gentlemen, by their own individual acts of liberality, not constrained by any prevailing opinion or custom or tradition, had said to their tenants—"You shall dispose of your interests when you quit your holdings; you shall do it not only when you are tenants from year to year, but at the end of your lease." But it was not a conclusion to which they should jump in a moment that upon the Earl of Portsmouth, who had acted with this personal liberality, there ought to be saddled this legal obligation in precisely the same way as if he took the estate subject to a traditional bond he could not shake off. He did not wish to press his opinion on this point; but he said there ought to be a separate consideration of this point. Let them have distinctly set out in evidence the prevalence of customs equivalent to the Ulster custom out of Ulster, and where it existed. Where there was a custom equivalent to the Ulster custom, and where there was the consent of the landlord to the custom—not the mere act of his own liberality, but settled by the fixed tradition of the district—let them give to the man out of Ulster every advantage which he could have in Ulster. These he thought were fair terms. It would be most exceptionable to adopt the Amendment of his hon. Friend; for, not satisfied with providing prematurely for cases analogous to the Ulster custom, he took up a great armful of those usages — more than anyone could carry —relating to the transmission of a holding by a tenant, and proposed to give them all the force of law. A great multitude of these usages had not the consent of the landlord; a great portion of them were underground usages. It was a very strong measure to say of the whole of these in a lump—"We will at once give them the force of law making them binding on the landlord," who, in many cases, perhaps knew nothing about them. He thought his hon. Friend should accede to his proposal. The proposition, whether it were a sound or an unsound one, deserved separate and careful consideration. It would not be wise to mix up matters so promiscuous in character, and admitting of so many diverse views, with that which was clear and simple in principle and form—namely, the title of the Ulster tenant to have recognized by law the virtual covenant under which for generations he had been acting. When they came to the 2nd clause they would have an opportunity of considering whether those less authoritative customs which prevailed in different parts of Ireland, without the systematic favour or consent of the landlord, should have a separate consideration or not, and whether the Ulster customs prevailed elsewhere or not. If they did, he said let them give effect in any way to the principle of equality; but he thought it would be unwise of the Committee to set a legal stamp or seal in a wholesale and miscellaneous manner on all customs, whatever their authority, and whether the landlord had heretofore been morally or honourably bound by them or whether he had not.

DR. BALL said, he was opposed to the Amendment, because he thought that the qualifications provided by the 2nd clause were only reasonable and just. The first of those qualifications was that, out of any moneys payable to the tenant under the section, all sums due to the landlord in respect of arrears of rent or of any deterioration of the holding arising from non-observance of the covenants and agreements should be paid to the landlord; the second was one by way of penalty against subletting and subdividing; and the third was one providing that a thirty-one years' lease should be an answer to any demand under the section. He was not aware of any single estate out of Ulster on which the Ulster custom prevailed, except that of the Earl of Portsmouth. The facts in connection with the origin of the custom on that estate were these — The Lord Portsmouth before the last was for many years a lunatic under the English Court of Chancery, which court had no power to grant leases in Ireland. Accordingly, as long as that Lord Portsmouth lived no leases could be granted on his Irish estates; but the tenants on his Enniscorthy estates were an enterprizing body of men, and trusting to the honour of his Lordship's descendants they spent money on buildings and other improvements. They were not deceived. Here, then, was the case of a nobleman who acted generously to his tenants by acting on the principle of the Ulster custom, though there were no old traditions nor long usages to bind him even in honour to do so. But was that a reason for sweeping out of the 2nd clause the qualifications to which he had just referred? Why were those qualifications not required in Ulster? Because the Ulster custom was already limited and qualified by the usage of localities. It did not exist as an abstract and uniform system. On the contrary, it was various and flexible; modifications had been introduced adapting it to different localities. The case was quite different with the customs which would come under Section 2. They had not existed long enough for qualifications suitable to various localities to have annexed themselves to the essential attribute, and this Bill most properly introduced qualifications. Under these circumstances, he hoped the hon. Member for Banbury (Mr. Samuelson) would not press his Amendment.

MR. SYNAN said, he was astonished at the assertion of the right hon. and learned Gentleman who had just sat down that the Ulster custom was not to be found on any estate out of Ulster except that of Lord Portsmouth. It was clear that the right hon. and learned Gentleman had not read the Reports of the Inspectors, which clearly showed that customs existed outside of Ulster similar in every respect to the Ulster tenant-right. According to the Reports of Mr. Robinson and Mr. Burke, the custom existed in Wicklow, Carlow, Kildare, Kilkenny, Queen's County, Wexford—none of which were in Ulster. It varied in Ulster, and it varied also in those counties; and on some estates it was recognized and sanctioned by the proprietors. A practice in some way resembling the Ulster tenant-right had prevailed in the South for a considerable time—in parts of Cork, Kerry, and Clare—and almost the whole of Limerick.

Mr. M'CARTHY DOWNING said, he was not aware of any system existing in the county of Cork under which a tenant could dispose of his tenant-right and the interest in his farm; but he knew of a case where the tenant might come to the landlord and say—"I want to leave; if you have no objection I shall sell my interest;" but that was not the custom of the North. It was not known in the South, except on one estate in the county of Kerry—the estate of an absentee nobleman, the Marquess of Lansdowne, on which it had existed for 200 years, though he regretted to say, it had been of late very much evaded.

Mr. SAMUELSON said, his opinion had been so far modified by statements made in the course of the discussion, that he would acknowledge the words of his Amendment to require revision; but he still thought that the clause was not satisfactory. He would consent to withdraw his Amendment if the Solicitor General for Ireland would promise to redraw Clause 2, so as to give full scope to all reasonable customs in other parts of Ireland than Ulster. He desired that the tenants in other parts of Ireland should be dealt with as far as possible as the Ulster tenants were dealt with, and that all their reasonable customs should be recognized without qualification.

The O'CONOR DON said, he hoped the hon. Member (Mr. Samuelson) would not withdraw his Amendment. He should certainly vote for it if a division took place. In his own county (Roscommon), not in the Province of Ulster, a custom of this kind was in existence. It was existing on his own estate, and tenants had paid for the right to enter on the holdings before his time. He could not understand on what principle this general custom was to be recognized in Ulster just as it existed, but was to be curtailed in other Provinces by the restrictions contained in the 2nd clause.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he could assure the Committee that the Government had not the least intention of depriving hon. Gentleman of the opportunity of discussing this question in its proper place — namely, on the 2nd clause of the Bill. The Bill dealt with a large question in a bold and comprehensive manner, and he doubted whether those hon. Gentlemen who wanted to weld the two clauses together would be able, if they set to work, to draw a clause which would settle the matter. The task of criticism was infinitely easier than that of construction, and it would be inconvenient to upset the whole plan and scheme of the Bill by fusing together Clauses 1 and 2; they should let Clause 1 be properly discussed, and then they would be able to come to the consideration of Clause 2. The Attorney General was right in saying that they had obtained a broad and well-defined notion of the Ulster tenant custom as compared with the customs referred to in Clause 2, which varied from each other in every county, if not on every estate. He did not think that his right hon. and learned Friend the Member for the University of Dublin (Dr. Ball) was fairly dealt with by the hon. and learned Member for the county of Limerick (Mr. Synan). Statements from the Repotrs, to which the hon. Gentleman had alluded, showed that although a custom had grown up in some parts similar to the Ulster custom it existed, in many cases, surreptitiously. Practically speaking, although Clause 2 did not give the force of law to every custom which might have grown up in every part of Ireland, with or without the consent of the landlord, it gave to every tenant in Ireland, who held under a custom similar in its essential features to the Ulster custom, all that the Ulster custom gave those who held under it.

Mr. COGAN said, that many persons were competent to discuss the provisions of a Bill without being able to draw a clause; and, as the hon. and learned Gentleman (the Solicitor General for

Ireland) had referred to the drafting of this Bill, he would remark that, all things considered, it was not so perfect a specimen of drafting as to be entitled to great praise. If the limitations contained in Clause 2 were necessary for other parts of Ireland, why were they not made to apply to Ulster also, when it was the avowed object of the Government to legalize all existing customs?

MR. MOORE said, he was much astonished at the speeches of the Attorney General for England and the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball), which proved that the most astute could not dispense with some knowledge of the subject on which they spoke, and an acquaintance, however elementary, with the facts on which they undertook to argue. But the speech of the right hon. Gentleman at the head of the Government did not surprise him, because it only showed again that in his case any such knowledge was entirely unnecessary. The Solicitor General for Ireland had shown that nothing could be more indefinite than the tenant-right custom which prevailed in Ulster, and the Treasury Bench had repeatedly stated, when it was their cue to put forward such a proposition, that in Ulster the custom differed in various parts of the Province, and that various estates differed from each other as much as from the rest of Ireland. All that was now asked was for some custom which should apply to the whole of Ireland, and against that demand he had not heard anything worth calling an argument from the Government side of the House.

MR. JESSEL said, what he understood to be the meaning of the 1st clause was, that the House would give legislative sanction to that to which the Irish Judges ought long ago to have given legal sanction. What he understood to be the principle of the Bill, which had been affirmed by the House in passing the second reading, was this—Whereas the English Judges had always acknowledged the custom of the country as forming part of the implied contract between landlord and tenant, and had always enforced it in every court of law and equity in the kingdom, the Irish Judges, for reasons which it was not difficult to ascertain, had not chosen to follow the example of their English brethren. It had been said that one reason was that, until within a recent period, the Judges in Ireland were chosen from a limited class peculiarly connected with the landlord interest in that country. ["No, no!"] He did not wish to say a word against the good intentions of the Irish Judges; but all who practised in courts of justice knew that Judges were but men, and naturally participated in and sympathized with the feelings of the order to which they belonged. But, whatever the cause might be, the result had been that the law in Ireland had differed in that most important respect from the law in England. Wherever, in England, sufficient evidence had been given of a usage being established for a reasonable length of time, throughout a sufficiently extensive district of country, the Judges had decided that that was a legal custom, and a custom of the country. What the Government intended to do was to rectify what was considered a miscarriage on the part of the law in Ireland—or rather of the administrators of the law—and to give an equal legal sanction to customs or usages of the same character existing in Ireland. To decide what the custom was must be matter of evidence. Though the House might hesitate in the case of districts where the evidence of customs was not sufficient, that was no reason why they should not give their sanction to what was admitted on all hands to be proved by sufficient evidence in regard to Ulster. The promise being given by the First Minister of the Crown that the evidence with regard to other districts should be considered, he hoped the hon. Member for Banbury (Mr. Samuelson) would withdraw his Amendment.

MR. GATHORNE HARDY ventured to say that the statement which had been made by the hon. and learned Member for Dover (Mr. Jessel) as to the conduct of the Irish Judges was entirely unfounded both in law and fact. He (Mr. Gathorne Hardy) had looked into the Irish law books to see whether what was called the Ulster custom had been before the Irish Courts, and whethere was any decision on the subject, but he could not find any, and why? Because, as the hon. and learned Member for Dover knew, the same law existed in Ireland as in England—namely, that wherever a custom was confined to a particular holding or estate it was not recognized by the law. So far from its being a fact that the Irish Judges had neglected to deal with the custom of the country he had ascertained that, wherever they found a custom existing between landlords and tenants, or between incoming and outgoing tenants, in a county or throughout any particular district, they had given legal sanction to it, as the Judges in England had done. But that which was called "the custom of Ulster" was not, in the legal sense of the term, any custom at all. It was only a system of usages which had grown up on particular estates, and did not exist throughout Ulster, nor even over the whole of any county in that Province; and, therefore, he was glad to hear from the Government—who, he hoped, would make the matter perfectly clear—that all they proposed to recognize were such customs as had existed for some length of time, and as to which evidence could be given that they had not been surreptitiously made between an incoming and the outgoing tenant, but had existed with the consent of the landlord, thereby becoming a virtual covenant which the landlord was bound in honour to fulfil. To go beyond that would be to do a gross and cruel injustice. How, then, were these customs to be enforced? The Committee could only legislate between landlords and tenants, and could not deal with the incoming and outgoing tenants, the latter not being within their disposition. Coming to the clauses which dealt with this matter, he found the Government stating that something which they called "the custom of Ulster" was to be made legal, and passing by the technicality of objecting that there was not anything now existing which was a custom in the legal sense of the term, as it was used in England, he would inquire whether, if a tenant wished to leave his occupation, the landlord was to be bound to find an incoming tenant who would repay the outgoing one the money that man paid on entering the holding, or an equivalent; or whether, if such a person could not be found, the outgoing tenant was to have any right to demand his money from the landlord? He apprehended, from the 12th section, that the landlord ought not be bound either to find an incoming tenant or to pay the outgoing one; but that if the outgoing tenant could not find some person who would pay for his tenant-right he must go away without being paid. [Mr. GLADSTONE assented to this proposition.] Since the Government assented to what was just and right, he had nothing more to say.

Question put, "That those words be there inserted."

The Committee *divided:* — Ayes 42; Noes 325: Majority 283.

MR. ASSHETON CROSS said, he rose to move, as an Amendment, in page 1, line 10, to leave out from "The" to "Act," in line 16, and insert—

> "The several usages now prevalent in the Province of Ulster, which are commonly known and in this Act referred to as the Ulster tenant-right customs, are hereby declared to be legal customs; and in the case of any holding in the Province of Ulster proved to be subject to any such custom the same shall be enforced against any landlord violating such custom in the manner provided by this Act."

He wished the Attorney General for England to give an answer to what he said was so easy—namely, what was the custom of Ulster? The First Minister of the Crown had told them what he understood by it, and he (Mr. Cross) wished to know the Attorney General's legal definition of it. The usages and customs of Ulster varied in different parts of that Province, and supposing the Judge of one Civil Bill Court gave one decision, and another learned Judge gave a different definition, who was to decide between them? The object of his Amendment was to carry out practically what the Government wished—namely, to include in the custom of Ulster the several usages which prevailed in different parts of that Province. He wished to know from the Attorney General if the clause, as drawn up by the Government, would admit of that meaning? There was another point to which he wished to call the attention of the learned Attorney General. About the end of the clause there were these words—"be enforced in manner provided by this Act." Now, under Section 12, although the landlord might be willing to allow the tenant, according to the understood custom of Ulster, to sell his right, if the latter did not then choose to do so, he might afterwards treat the matter as a debt. His Amendment provided in cases where landlords did not wish to violate the custom, that the tenant should have no claim against the landlord under such circumstances. The hon. and learned Member concluded by moving the Amendment.

THE ATTORNEY GENERAL said, he agreed in substance with the hon. and learned Member's (Mr. Cross's) remarks, and when he said that the Ulster custom was well understood he did not wish it to be inferred that he thought the customs in Ulster uniform. Some part of the Amendment proposed by the hon. and learned Member would, undoubtedly, be an improvement to the Bill. It was decidedly an improvement to use the word "usages" in the plural. But, on the whole, he preferred the Amendment which stood in the name of the right hon. Member for the University of Dublin (Dr. Ball) which was very much to the same effect. He did not approve the concluding words of the Amendment of the hon. and learned Member for South-west Lancashire; he did not think it well to state that the customs should be enforced against the landlord, he would rather that the Act should say, as in the clause, the customs shall be enforced, so that they would be in force against both tenant and landlord. Under these circumstances, he did not think they would have any serious difficulty in settling the clause.

DR. BALL said, he was comparatively indifferent which Amendment was adopted, whether his own, that of his hon. and learned Friend the Member for South-west Lancashire, or that of the hon. Member for King's Lynn (Mr. Bourke); they all involved the main point—the use of the plural word "usages" for "usage." But an improvement, borrowed from the Amendment of the right hon. and learned Member for Newcastle (Mr. Headlam), had been suggested to him in respect of his own Amendment; and that was, instead of using the phrase "determination of tenancies," to use the phrase "determination of occupancy," because it was the occupation which would cease, though the the tenancy, the right to hold, and the agreement under which the farm was held, might be sold and would continue. In the Amendment of his hon. and learned Friend the Member for King's Lynn he found another phrase, which he much preferred to one in the Amendment in his own name—instead of saying that those usages should be legal, he would say, as his hon. and learned Friend did, that they should have the force and effect of legal customs. It appeared to him that they were legal without the Act of Parliament saying it, and that it was better not to say they were legal customs, because they might be driven into this inquiry — "Have they every incident of a custom?" But if it were declared that they should have the force and effect of custom, then it would not matter whether they were strictly and rigidly customs. However, the main point about which he was anxious was that "usage" should be turned into the plural "usages." That alteration was required to make the clause perfect.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he thought they were all nearly agreed as to the form in which the clause should stand; and, after all, the question they were discussing was very much one of verbal criticism. But the Amendment of the hon. and learned Member for South-west Lancashire (Mr. Cross) would introduce words into the clause which might lead to some misconception. The Government were quite ready to adopt the word "usages" instead of "usage;" but they were not equally prepared to turn the word "custom" into the plural number also. The words "violating such custom" in the Amendment were likewise open to objection, because they might practically cut down the Ulster custom, alter its incidents, and do injury without doing any equivalent good. The late Marquess of Londonderry, a nobleman intimately conversant with the management of large estates in Ireland, stated, in one of his speeches, that, in addition to the tenant's right to sell his tenancy where there was an eligible candidate for it, it was customary in some cases, even if there were no purchaser, and the tenant desired to quit his holding, for the landlord to give compensation upon a fair valuation to the tenant. In most instances the Ulster landlord did not give such compensation, but he allowed the outgoing tenant to sell his interest to the incoming tenant; and if the landlord was reasonably satisfied with the incoming tenant, matters were harmoniously settled between all the parties. But where it was a custom that the tenant could claim compensation from the landlord, even when the latter did not technically violate the custom, the insertion of the words "violating such custom" might introduce difficulty and complication into the clause. The Ulster custom varied in different districts—in no two counties had it the same incidents; but the description given of it in Ferguson and Vance showed all its varieties to possess the common characteristic of a right on the part of the tenant to sell his interest. He thought it better for the Committee not to attempt to define the custom in terms, and he objected to the definition proposed by the right hon. and learned Member for Dublin University (Dr. Ball), because it was rather a hint at a definition than a definition itself, and might, perhaps, be regarded as a cutting down of the custom. Of the various Amendments suggested on the other side, he thought the best was that of the hon. and learned Member for King's Lynn (Mr. Bourke.) But the Amendment of his right hon. Friend the Chief Secretary for Ireland appeared to him to be better than any of them, subject to the alteration of "usage" into "usages." That Amendment was to the effect that—

> "The usages prevalent in the Province of Ulster, with reference to the compensation to be made or allowed to or on account of an outgoing tenant of a holding, and which usages are commonly known and in this Act referred to as the Ulster tenant-right customs, are hereby declared to be legal customs, and shall, in the case of any holding in the Province of Ulster proved to be subject to such customs, be enforced in the manner provided by this Act."

That would be an elastic clause, providing for all practical purposes; and its result would be that if the usage could be proved it would be decided to be legal by the Court, and they would not attach incidents to it that might exist in one case and not in another, which would have the effect of defeating the very object of the clause.

SIR ROUNDELL PALMER said, he quite agreed with the last speaker as to their having now come to questions of phraseology rather than of substance; and he also very nearly agreed with him, but not quite, as to the way in which the clause should be worded. The argument for the adoption of the plural instead of the singular of "usage" was unanswerable. If they retained the singular only one custom would be contemplated by the Act, and this might lead to considerable difficulty if a case were carried into court. But he could not agree with his hon. and learned Friend that it was best to say nothing about the subject-matter of those usages. Assuredly the words of the Amendment of his right hon. and learned Friend the Member for the University of Dublin (Dr. Ball), "whereby the relations of landlord and tenant upon the determination of the tenancy are regulated," were not words of definition, but were important and useful as regarded the subject-matter of the custom, especially if the word "occupation" were substituted. He could not but think that if they spoke of usages without saying what they were about, except under the denomination of "usages known as the custom of tenant-right," they would be expressing the clause in a very unworkmanlike manner. He did not think they were really in danger of committing a very serious practical error by adopting the suggestion of the Solicitor General for Ireland; but he could see no good reason why they should not, in words which in themselves were clear and unexceptionable, describe the general nature of the custom on the face of the clause.

MR. W. JOHNSTON said, he had heard with great regret that Her Majesty's Government were about to substitute the word "usages" for the "usage" prevalent in Ulster. The clause originally was not received with satisfaction by the tenant-farmers of that Province; but it would be infinitely more unsatisfactory in the form suggested by the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball). He (Mr. W. Johnston) held that all these so-called usages were infringements or alterations of what was known in Ulster as the original Ulster tenant-right. Sometimes where a right of unlimited sale had prevailed, the tenant-right, by means of arbitrary increase of rent and other expedients, had been seriously infringed; and if the word "usages" were put in the 1st clause of the Bill, the only effect, in his opinion, would be to legalize all the encroachments of the landlords on the tenant-right. The definition of the Ulster tenant-right, which he had put on the Paper, had been taken chiefly from the Bill of Mr. Sharman Crawford in 1852. He believed if Mr. Sharman Crawford's Bill had at that time been accepted there would be no need of the present measure, for a satisfactory settlement would have been arrived at. He would not dwell on the Amendment which he intended to bring forward, which would be rendered perfectly useless if the word "usages" were substituted. It was generally felt by the tenant-farmers of Ulster that they were treated worse than those of other districts in Ireland, as they were debarred from the alternative compensation left open in other cases, and denied the option of coming in under Clause 3.

MR. CHICHESTER FORTESCUE said, he hoped his hon. Friend would not allow himself to be alarmed by this formidable plural, or to alarm those with whom his voice had so much influence. The substitution of the plural for the singular was made simply because the plural was more in accordance with the facts of the case. The Ulster custom, though the same in substance, differed, as his hon. Friend knew, in its form and also in its amount on various estates. Whereas, for instance, on the estates of that excellent landlord, Lord Lurgan, the tenant knew very well when he entered upon his holding and made a contract with his landlord he would have no right to expect an amount by way of tenant-right beyond a certain number of years' purchase, his hon. Friend would hardly think it equitable that such a tenant should be able to claim a much larger sum because such larger sum might be customarily given in some other districts. His hon. Friend, therefore, need not be alarmed by the substitution of the plural for the singular, for the change was only meant to indicate a fair and honest recognition of the facts of the case.

LORD CLAUD HAMILTON said, he would appeal to the Government to allow the word "several" or "different" to precede the word "usages." As the custom differed very much in various parts, and as they were now going to give it legal force, they ought to point out that there was not one uniform usage.

MR. SYNAN said, that he had a similar Amendment on the Paper to that of his hon. Friend (Mr. W. Johnston); but had given way to him, as so much better acquainted with the custom of the country. The Chief Secretary for Ireland had said that the usage differed in form as well as in amount. He would take issue with the right hon. Gentleman on that point. It did not differ in form; but it did differ in amount. Mr. Hancock, one of the most experienced land agents of the North of Ireland, in his evidence before the Devon Commission, described tenant-right as the right of continuance in occupation, and of selling the holding at the market price subject to the rent fixed between landlord and tenant. It was certain and fixed with right of occupation and the right of sale; if the landlord interfered, he generally referred it to arbitration or to the Landed Estates Court. On the estate of the Marquess of Downshire it sold for £30 or £40 an acre, on other estates for only £1 an acre; but it was certain enough for definition except as regarded the amount of rent, and any questions as to that could be settled in the Courts to be established by this Act.

MR. PELL said, he thought the change from the singular to the plural was important, because it recognized the specific variations of a usage prevalent over the whole of a Province; and in admitting these specific variations, they recognized a right which would remain to the landlord of modifying tenant-right on the score of improvements made by himself. On many of the best managed estates in Ulster, where tenant-right was recognized, the compensation to the outgoing tenant was modified by the improvements made by him on the estate, and thus there was an encouragement to good tenants; but on estates less carefully looked after, tenant-right existed without reference to the condition of the land as it was left by the tenant, and thus no direct encouragement was given for the improvement of the soil. He therefore urged the importance of the Amendment from "usage" to "usages."

MR. GLADSTONE said, he would suggest to the hon. Member for South-west Lancashire (Mr. Cross) that the Amendment should be confined to the substitution of "usages" for "usage." The Government had considered the proposal of the right hon. and learned Gentleman (Dr. Ball), and he might refer to the experience of the Cabinet before introducing the Bill. Without aiming at scientific precision, they had tried repeatedly to define the custom; but their failure was signal, and they got so much out of conceit with their own efforts, that they themselves proposed to strike out the words they had at first adopted. On looking, too, at the words of the right hon. and learned Gentleman, he owned he should be afraid to insert them. They were not required for any practical purpose, and no words could possibly be employed to designate the Ulster custom, which would give any information to any one concerned in interpreting it, or to any Judge or arbitrator who would have to deal with it, who knew what the custom was much better than Parliament could inform them by any description of it introduced into the Bill. The practical objection to the proposal — though he had no better words to suggest as a substitute for it — was this — It indicated the custom simply as a custom for regulating the relations between landlord and tenant, upon the determination of the occupation of a tenant. Now, the Ulster tenant had a much higher idea of his right to the soil than this; in general, he had paid a large sum of money, and viewed it as a perpetually subsisting property. He (Mr. Gladstone) did not think it would be desirable to define it in that sense; but it would not be fair to define it by Act of Parliament in a contrary sense. The tenant undoubtedly treated it as a permanent interest; and he thought they would wound the tenant, and cause much misgiving as to the intention of the clause, by inserting words treating the usage as one coming into existence merely at the determination of the tenancy.

Mr. ASSHETON CROSS said, he would withdraw his Amendment.

Clause amended by striking out "usage," and inserting "usages."

Mr. W. JOHNSTON said, he desired to move the Amendment of which he had given notice, defining the Ulster tenant-right as a right of continued occupation, subject to the payment of the rent. Tenant-right, as believed in by the farmers of Ulster, was not so much a transaction between landlord and tenant, as between the outgoing and incoming tenant. It was the right of the tenant to his property; and he did not see why they should curtail the property of the tenant, which had become his by long-continued custom, any more than the property of the landlord, which was vested in him by law. The greatest danger to the Ulster custom, next to the infringements of it by new landlords who came in under the Landed Estates Court, was the raising of the rents. He had received letters from various parts of Ulster, mentioning some extraordinary cases in which the custom had been infringed by the arbitrary raising of rents; but he would not now enter into particulars which might be unpleasant to some hon. Gentlemen and noble Lords whose names were mentioned in the correspondence. In settling the Irish land question, something must be done by way of preventing the arbitrary increase of rents. He might mention that two or three years ago the tenant of a farm near Londonderry, on his landlord raising the rent, and refusing to take into consideration the improvements he had effected on the estate, was led to commit suicide by hanging himself. He would not detain the House further, but would move his Amendment.

Amendment proposed,

In page 1, line 10, after the word "Ulster," to insert the words "commonly known as the Ulster tenant-right, which is to be deemed and taken to be the right of continued occupation by the tenant in possession, subject to the payment of the rent to which the premises held by him are liable, or such change of rent as shall be settled from time to time, by fair valuation, in manner hereinafter provided, or (on the surrender or other determination of his tenancy) a right to sell his interest in the said premises to any solvent tenant to whom the landlord shall not make reasonable objection, unless paid by the landlord the value thereof, as if sold to a solvent tenant, is hereby declared to be a legal right, and shall be enforced in manner provided by this Act."—(*Mr. William Johnston.*)

Mr. CHICHESTER FORTESCUE said, the objection of the Government to the Amendment might be very briefly stated. His hon. Friend did not propose, as the Government did, to legalize custom, but to create custom. It would be very easy to say a great deal by way of criticism as to the nature of the custom which the hon. Gentleman proposed to create; and it was evident, on the face of it, that this definition implied a whole system of valuation of rents, and that valuation by public authority, which of course would require a machinery, in regard to which he had offered no suggestion, either in the present or any other Amendment. Without going into the question, however, he submitted that such a definition as was given by his hon. Friend was not necessary, and might be dangerous. Indeed, even if his hon. Friend's view of the Ulster tenant-right were the correct one, the courts which would be established under the Bill would be able to ascertain and enforce it. It was impossible for the Government to accept the Amendment.

Mr. WHITWELL said, he was afraid that the alteration of the Government would not be deemed so satisfactory in the North of Ireland as they wished it to be. The words struck out were "compensation to be made or allowed."

The CHAIRMAN pointed out that the question immediately before the Committee was not as to that omission, but as to the insertion of the words proposed by the hon. Member for Belfast.

Mr. WHITWELL said, that as the omission had been previously mentioned he had ventured to make allusion to it. The hon. Member for Belfast proposed to define the custom of tenant-right, and the Solicitor General for Ireland had also quoted a definition of it, which he should like to see introduced into the Bill. There was in that House such a mistiness as to what tenant-right really was, that for the sake of English Members he would endeavour to give a clear notion of it, derived from his experience during a considerable residence in Ireland. He held in his hand an advertisement of a sale by auction on the 7th of February last of a farm, or rather a tenant-right in Ulster. The farm itself contained 23 acres, 1 rood, 16 poles, the rental being £25 per annum, and the tenant-right of that farm sold for £800. He was bound to say, however, that as that farm was situate on the estate of the Marquess of Downshire, the case might be regarded as an exceptional one; but he might mention that on the 26th of January last the tenant-right of another farm containing 18 acres, 3 roods, 24 poles, let at an annual rent of £26 10*s*., was sold, not by the tenant, but by the landlord. The landlord had intended to put in his steward or bailiff, but subsequently changed his mind, and actually sold the right to the incoming tenant at a profit of £40 over the purchase for the two years during which he held it, after recouping himself for having bought the right from the previous tenant. No more conclusive evidence could be adduced to prove that tenant-right was not a figment, but a fact—not a mere idea, but actual property. Then it was a common occurrence for tenant-rights to be charged with dowry, and he was informed the tenant-right had, in certain cases, paid probate duty. But this property of £20,000,000 in value was continually passing by succession without paying any probate duty, except in some few instances. He thought that this was a matter which they ought to define and not leave in doubt; and therefore he concurred in one portion of the Amendment of the hon. Gentleman the Member for Belfast, though he could not go the length of supporting it in its entirety. A definition, such as that referred to by the hon. and learned Gentleman the Solicitor General, would tend to prevent confusion and render the matter clear to the minds of those who lived in Ulster.

Lord GEORGE HAMILTON said, he rose merely for the purpose of relating a circumstance which occurred a short time since in Ulster—a circumstance for the truth of which he could himself vouch—and which would show that the Government were right in not attempting to define tenant-right. An old man held a small highland farm, and died, and after his death he paid £15 a year rental for his farm [*Laughter*]—that, of course, was before his death—after his death the agent discovered that he had divided his farm between his two sons, who had lived with him. The agent sent to these two sons, and told them that it was contrary to the rule of the estate that the farm should be divided, as it was too small, and suggested that the eldest should take the whole, giving the other compensation for his share. They looked at each other for a moment, and at last one said—"Ah, sure, Sir, there is the difficulty; we are twins, and were lost in the cradle, and no one knows which is which." He then suggested that they should draw lots, on which one of them said there was no need to do that, and taking £200 out of his pocket, said that he was ready to pay £160 for the half of the farm, for which, of course, the yearly rental was only £7 10*s*., or he was willing to take £160. The agent said it was high, considering that the established tenant-right of the estate was only five years' rent; but, as they were brothers, he would leave them to settle the matter between them, and the matter was ultimately settled by the outgoing brother receiving £160, being at the rate of twenty years' rent instead of five. He conceived that this showed how impossible it was to define the custom.

Mr. SYNAN said, that if the definition stood as presented by Her Majesty's Government there was no protection for tenant-right in the North of Ireland, because the encroachments would completely dissipate the tenant-right.

Mr. W. JOHNSTON desired to say that he had protested against the word "usages" being employed as a substitute for "usage," and could not assent to the alteration.

Question put, "That those words be there inserted."

The Committee *divided:* — Ayes 39; Noes 318: Majority 279.

On Motion of Mr. Chichester Fortescue, the words from "with reference" to "and," in line 12, inclusive, *struck out.*

Dr. BALL said, he thought that what he was about to propose would better carry out the object of the Government than the words of the clause. He begged to move to leave out the words "commonly known, and in this Act referred to as the Ulster tenant-right custom," and insert the words "known as, and are in this Act intended to be included under the denomination of the Ulster tenant-right custom."

Amendment *agreed to.*

House *resumed.*

Committee report Progress; to sit again upon *Thursday.*

STAMP DUTY ON DEEDS BILL.

On Motion of Mr. Bourke, Bill to remove doubts as to the construction of a portion of the sixteenth section of the Act of the seventeenth and eighteenth Victoria, chapter eighty-three, relating to Stamp Duties, *ordered* to be brought in by Mr. Bourke and Mr. Dodds.

Bill *presented,* and read the first time. [Bill 89.]

REGISTRATION OF COUNTY VOTERS (ENGLAND AND WALES).

Committee *nominated* as follows: — Mr. Knatchbull-Hugessen, Mr. Henniker-Major, Mr. Richards, Mr Winn, Mr. Pease, Lord Claud John Hamilton, Sir Edward Colebrooke, Mr. Raikes, Mr. Dodds, Mr. Wynn, Mr. Andrew Johnston, Mr. Algernon Egerton, Mr. Wentworth Beaumont, Mr. Cross, and Mr. Henry Robert Brand:—Power to send for persons, papers, and records; Five to be the quorum.

Report of the Select Committee appointed in 1864 to inquire into the Laws affecting the Registration of County Voters in England and Wales referred to the Committee.—(*Mr. Henry Robert Brand.*)

PUBLIC ACCOUNTS.

Standing Order of the House [3rd April 1862] relative to the Committee of Public Accounts read, and amended, by leaving out the word "nine," and inserting the word "eleven," instead thereof.—(*Mr. Stansfeld.*)

Committee *nominated:*—Mr. Stansfeld, Mr. Pollard-Urquhart, Mr. Sclater-Booth, Lord Frederick Cavendish, Mr. Seely, Mr. Liddell, Mr. Algernon Egerton, Mr. William Fowler, Mr. Goldney, Mr. Candlish, and Mr. Ward Hunt.

SURVEY OF GREAT BRITAIN, &C. BILL.

On Motion of Mr. Ayrton, Bill to amend the Law relating to the Surveys of Great Britain, Ireland, and the Isle of Man, *ordered* to be brought in by Mr Ayrton and Mr. Secretary Cardwell.

Bill *presented,* and read the first time. [Bill 90.]

COUNTY COURTS (BUILDINGS) BILL.

On Motion of Mr. Ayrton, Bill to transfer to the Commissioners of Her Majesty's Works and Public Buildings the property in, and control over, the Buildings and Property of the County Courts in England; and for other purposes relating thereto, *ordered* to be brought in by Mr. Ayrton and Mr. Stansfeld.

Bill *presented,* and read the first time. [Bill 91.]

House adjourned at half after
Twelve o'clock

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HOUSE OF LORDS,

Tuesday, 29th March, 1870.

MINUTES.]—Public Bills—*First Reading*—Ecclesiastical Patronage Transfer (55).

Second Reading—Peace Preservation (Ireland) * (53).

Third Reading—Mutiny *; Marine Mutiny *, and *passed.*

PEACE PRESERVATION (IRELAND) BILL

(*The Lord Dufferin.*)

(NO. 53.) SECOND READING.

Order of the Day for the Second Reading, read.

Lord DUFFERIN: My Lords, it is with feelings of the deepest regret—I may almost say of humiliation—that I rise to ask your Lordships to give a second reading to this Bill. No Member of a Liberal Government — I think I may venture to add no Member of any Government — could recommend such a
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measure to your Lordships without feelings of repugnance; and anyone connected with Ireland must of course do so with still deeper feelings of mortification and disappointment. Notwithstanding, however, the ungratefulness of the task—notwithstanding how opposed it may be to those principles by which we desire to regulate the administration of affairs in Ireland—it is my duty to tell your Lordships that it is in the firm and unwavering conviction of the necessities of the case that Her Majesty's Government have come to Parliament for the purpose of asking it to grant them those larger powers provided under this Bill, without which they have convinced themselves that without them the Executive in Ireland cannot be expected to remain responsible for the maintenance of peace and order and the preservation of life and property in that country. But however deep may be their own convictions on that point, it would not, I think, be right for me to call on your Lordships to accede to their request unless I were prepared to show, in the clearest and most distinct manner, the exigencies of the situation, and to satisfy your Lordships that nothing short of the powers that are asked for will be sufficient to enable Her Majesty's Government to check that outbreak of crime and outrage that has of late attracted so much attention. It is not my intention, in the discharge of this ungrateful task, to harass the feelings of the House by any minute description of the murders and other agrarian crimes with which the newspapers have for some time past teemed. In the first place, I believe, many of those accounts have been exaggerated; and, in the next, I am certain that any sensational description of such occurrences would not be likely to affect the calm and deliberate opinion of your Lordships. Nor do I propose to enter into any comparison of the present aspect of crime in Ireland with that which it may have presented at former periods in the history of that unhappy country. Such comparisons, as far as they may enable us to detect and remove the causes and conditions which have produced or stimulated these periodical outbursts, should not, indeed, be neglected; but it is scarcely the province of those whose duty it is to repress and check this state of things to occupy the attention of the House with what, after all, must be conjectural and theoretical disquisitions upon that part of the subject. My duty, I apprehend, will be best discharged by simply bringing before your Lordships' notice such facts as will be sufficient to satisfy you that there prevails unhappily in parts of Ireland—to use the calmest and most moderate language—a condition of affairs which no civilized Government could be expected to tolerate—which is quite incompatible with the maintenance of social order—which surrounds with an atmosphere of terror the daily transactions of life—and which, unless soon checked, would eventually tend to demoralize and degrade the moral sense and conscience of the community.

My Lords, the state of things which I have thus imperfectly described seems to be produced by a three-fold agency—in the first place, by what I may call a semi-organized system of assassination; in the next place, by a wide-spread and increasing network of intimidation; and, lastly, by the continual and daily outburst of an anonymous literature, which, by the violence, and I might almost say, the atrocity of its language and its suggestions has identified itself only too unmistakably with the criminal proceedings to which I have referred. Such being the condition of things, in consideration of which Her Majesty's Government have come to Parliament for larger powers, my best course will be to put your Lordships in possession of a complete summary which I have extracted from Returns which have been placed on the Table, emanating from the police of Ireland, as the readiest means of convincing your Lordships of the perfect accuracy of the picture I have presented to you. Your Lordships will find from those Returns that during the course of a single year, irrespective of crimes of other descriptions which may co-exist, there have been 8 cases of agrarian murder, or if we include, which it may be proper to do, in this category the murder of Mr. Anketell, the number would be 9. There have been 16 cases of firing at the person; and, of course, those who thus contemplate the destruction of their fellow-creatures are not less guilty than if they had succeeded in their designs. There have been 6 cases of firing into dwellings, which is also a very grave offence, and on some occasions have been attended by the death of the individual at whom the shot was aimed. There have been 26 cases of aggravated assault, and 171 cases of administering unlawful oaths. These oaths, it should be recollected, are usually administered under penalty of instant death to those who refuse to take them; and your Lordships will well understand that this species of crime is productive of great terror to the inhabitants. There have, in addition, been 480 cases of threatening letters. In the majority of these, it may very well be hoped that the writers have had no immediate intention of putting their threats into execution; but when it is very well known that only too often these threats are extremely practical in their character, and are frequently followed by serious results, the recipients of such communications naturally regard them with alarm. There have been also 6 attacks upon houses. These figures amount to a total of 713 agrarian offences in a single year. But the Government have been furnished with Returns which come down to the end of last month; and to the numbers I have already enumerated, 391 additional offences have to be added for January, and 303 for February, varying in their nature in the same manner as in the preceding period. In these last Returns, there appears a feature to which I think it advisable to direct your Lordships' attention, inasmuch as it implies not only a very disturbed state of the country, but also discloses a new and very dangerous form of intimidation and outrage. In January there were 124 cases of levying contributions—and I presume that these do not partake of the character of highway robbery or ordinary depredations of that nature, but have a special agrarian character. Last month there were 32 cases of that description. If, therefore, we take the short period of 14 months, we find there have been 10 cases of murder, 18 of firing at the person, 16 of firing into dwellings, 34 of aggravated assault, 397 of administering unlawful oaths, 694 of sending threatening letters, 43 of other modes of intimidation, and 157 of levying contributions—making a total of 1,369. Now, though I do not intend to direct your Lordships' attention very specifically to many of these cases, I think it is incumbent upon me, however painful it may be, to call your attention to one or two which illustrate the nature of the crimes that are committed, and the kind of effect which they are likely to have on public opinion, and on the sense of security in the community. Here is a case which will give a fair notion of the terrible burden of intimidation under which some parts of Ireland are labouring—

> "Thomas Reilly, police pensioner and farmer, was returning home on a dray at 9.30 p.m., when two men came from behind a ditch, attacked him as he sat on the dray, and beat him on the head with a bar of iron or some heavy bludgeon; his skull was fractured in two places. Thomas Reilly, the owner of the car, made no attempt to save him, but went to a house, reported the case, and then proceeded to the police barracks, and informed the party there. He and four others were arrested, but discharged, as no evidence could be procured against them, owing to the terrorism that existed; it was with the greatest difficulty anyone could be induced to give any information whatever upon the matter."

Then we have the case of James Hunter, an extensive farmer, who was shot dead a short distance from his house. Nine men were arrested, but discharged for want of evidence. The Return states that the exertions and efforts of the police were counteracted and defeated by the sympathy of the lower orders with the assassin. As I happened shortly afterwards myself to be in the locality, I was, in some degree, enabled to judge of the difficulties with which they had to contend. There is also the case of John Walsh, who was shot when returning from market at Tuam. Three men were with him on the car. Two of them, who were his relatives, got off and walked home—yet no evidence could be obtained. Then, again, on the 20th of October, William O'Brien, farmer and land agent, was murdered when returning home from Mohill, the supposed motive for the crime being that he had been for some time on bad terms with the tenants of his cousin, whose land agent he was, on account of having proceeded against some of them for the non-payment of rent. I should weary your Lordships were I to continue to quote cases of a similar nature; and it is the more unnecessary that I should do so as your Lordships are in possession of these Returns, in which the distinct occasion and circumstances attending each particular crime are given. Although, however, I may pass from the subject of the prevalence of agrarian and homicidal crimes, I think it is necessary that I should offer an illustration of my meaning in saying that a portion of the Press in Ireland unfortunately have from time to time used language which more or less tended to bring about criminal proceedings. Two extracts will, I think, be quite sufficient to illustrate the truth of this part of my statement. In an edition of the paper called *The Irishman*, of the 19th of June, 1869, the following passage will be found :—

> "We had thought that the execution of ejecting landlords and agents was not only one of the ways, but the only possible way, for staying this intolerable oppression. We had thought—and have long ago written and printed the sentiment—that, as there is no law in Ireland for peasants, but all the laws are against them, they must take the law into their own hands or die ; and further, that the people of Tipperary (Dr. Leahy's flock) had not slain half enough of the exterminating landlords and their agents."

Now, it is quite true, and of course it is right that I should mention the fact, that this passage was quoted from an American paper ; but, has as been very properly laid down by an Irish Judge, it does not matter whether a paragraph is original or is extracted, the effect on the population is the same, and the proprietors and publishers of the paper in which it is found must of course be held responsible for any consequences which may follow. The next extract is one from the same paper, which appeared on the 23rd of October, 1869—

> ON HANGING BAD LANDLORDS.
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> "Some philanthropist has said that the worst use to which you can put a man is to hang him. Suppose we concede the point so far as a 'man' is concerned, would it hold true for a wild beast—even though in human form? Certainly not. The worst thing you can do with him is to let him alone. By letting him alone you make no use of him ; by hanging him you at least make some use of him. This is the way to which a Kilkenny 'Voice' would put bad landlords."

The article goes on in the same strain ; but I have merely referred to it for the purpose of justifying myself in the language I have been forced to use, and I am unwilling to disgust your Lordships by any further quotations from it.

Such is a very brief, but, as I trust it will be deemed, sufficient exposition of the condition of affairs in Ireland with regard to agrarian and other crimes ; and the question your Lordships have to ask yourselves is simply this—whether or no you are prepared to allow innocent men and women—for I am sorry to say even women have occasionally been the objects of these outrages—to be destroyed, as is often the case, in open day, sometimes even in the presence of numerous spectators, and occasionally under circumstances of exceptional cruelty ? It is quite true that in the discharge of their duty brave men will always be ready to face death ; but the fear of assassination shakes the strongest nerves and poisons the peace of the most innocent beings ; yet for some time past in Ireland hundreds of men who have never inflicted an injury on any human creature have every morning gone to the daily routine of their duties with the secret consciousness lurking in their minds that perhaps they may never again see wife, or child, or home. Already in eight cases these unhappy presentiments have been only too cruelly realized ; and in as many as 16 this was only prevented by the merciful interposition of Providence ;—while on the minds of upwards of 600 or 700 persons such forebodings have been impressed with an exceptional intensity by various forms of intimidation to which they have been subjected.

These, my Lords, are the conditions, and this is the nature, of the crimes with which we have to deal, and it is now my duty to describe the mode in which the present Bill attempts to provide for their repression. It will not, I apprehend, be necessary to go into great detail ; but your Lordships will think I have sufficiently done my duty if I glance rapidly over its principal provisions. The Bill is divided into three Parts. The first Part is confined to the amendment of the Peace Preservation Act, and deals principally with the subject of arms, and the sale of gunpowder. Persons having game licences must henceforth also obtain licences to carry arms, and a special licence will always be required for revolvers. The punishment for a breach of this part of the Bill, at present confined to one year's imprisonment without hard labour, is now changed to two years, with hard labour. Power is also taken to institute searches at night for arms in the houses of persons suspected of concealing them. The sale of arms and gunpowder is forbidden in proclaimed districts to any but licenced dealers or to persons licenced to have arms, and persons selling gunpowder must also take out a licence, and must furnish the chief police-officer of the district with monthly returns of their stock and sales, and the names of the persons to whom they have sold it. There is likewise an important provision enabling a magistrate, even though no person may be charged before him, to summon witnesses who may be unwilling to appear, and who if they refuse to give evidence will be subject to such a punishment as the interests of justice may require. That is an important provision of the Bill, for your Lordships are aware that a great deal of difficulty exists in obtaining evidence, and frequently there have been cases where, to the absolute knowledge of the police, certain persons have been present at an outrage, or have an actual knowledge of the circumstances of an offence, who, nevertheless, when summoned to give evidence, have persistently denied that fact. Another clause provides for the arrest and examination before a justice of the peace of any stranger sojourning or wandering about in a proclaimed district. There is also power of search for threatening letters. The second Part of the Bill relates to Special Proclamations, and is directed against those more lawless proceedings which consist in visiting houses at night for the purpose of carrying away arms by force and marching in military array. It empowers any magistrate, in a district specially proclaimed, to arrest persons out at night under suspicious circumstances. It enables the Lord Lieutenant to order public-houses to be closed at sunset or any subsequent hour. It also gives power to justices at petty sessions, in conjunction with the stipendiary magistrate, to deal summarily with persons charged with drilling, menacing, and any offences known as Whiteboy offences. There is likewise an important provision by which the venue may be changed, by order of the Court of Queen's Bench in Ireland, without proof of special circumstances, at the instance of the Attorney General.

The third Part of the Bill is one of considerable importance, and one to which your Lordships will probably be disposed to pay exceptional attention. It is in that part of the measure that the Press is dealt with. The Lord Lieutenant, after due warning, will have power to seize any newspaper, machinery, or plant, or the copies of newspapers published out of Ireland containing seditious or treasonable matters. The warning notice is to be served on the proprietor of the newspaper or his servants, where possible; but where that cannot be effected, then the notice may be posted on a conspicuous part of the premises. Notice in *The Dublin Gazette* is to be conclusive evidence of the facts and circumstances authorizing the issue of the notice, and of the sufficiency of the service. The Lord Lieutenant will also have power to issue warrants to search for and seize newspapers, printing presses, types, &c. It is, however, to be noted that, in case of the exercise of these powers unjustifiably, the proprietor of the newspaper will have a remedy by instituting proceedings against the Government. Lastly, power is given to the grand jury to award compensation to any person injured, or to the personal representative of any murdered man, whether injured directly or in consequence of appearing as a witness, police-officer, or magistrate. Such compensation is to be levied on the county at large or the barony in which the offence has been committed, at the discretion of the grand jury; and the decision of the Judge of Assize, who may be appealed to from the decision of the grand jury, is to be final. Such is the machinery of the Bill, and such are the means by which Her Majesty's Government hope to be enabled to repress the crimes and outrages which have of late been a scandal to the country; and I think your Lordships will see that, although they are very carefully hedged and guarded, these powers are likely to prove sufficiently ample for the purpose. With respect to those clauses affecting the Press—which your Lordships will scan with great jealousy—I think it will be found that every precaution is taken to preserve the Press from any undue or arbitrary interference on the part of the Government, and that it is only in the event of its abjuring its legitimate functions, and proving false to its honourable mission, that it can come under the provisions of the Bill.

Of course, at this stage it is impossible for me to judge what reception your Lordships may be inclined to give to the Bill; but there is one class of objection to which I wish to put in an anticipative plea—namely, those which noble Lords may be inclined to urge that a measure of this kind ought to have been introduced at an earlier period of the Session. Now, of course, I am quite ready to admit that the exact moment at which such exceptional powers should be required by a constitutional Government is one of the gravest, one of the most important, and one of the most difficult questions which can be submitted to the consideration of statesmen: and I am inclined to think that if the exact date had had to be determined by a ballot of this House, probably every noble Lord would have named a different day as the exact moment at which the critical period had arrived. Whatever difference of opinion, however, there might have been on that point, your Lordships, I think, would all have agreed that such a step should only be taken in the last extremity, after every other expedient had failed, and that there could hardly be a graver blunder than to attempt to introduce such a measure before the conscience and conviction of the nation at large had been satisfied as to its necessity. In conclusion, I would merely add a simple, but earnest, entreaty to those of my fellow-countrymen in Ireland, who are in any way in a condition to exercise influence through the Press, to use their best endeavours to forward the objects of the Bill. It entirely rests with themselves whether or no it shall remain an innocuous form of words on the statute book, or whether it shall be converted into a very effectual and very active instrument of repression. If they will only abstain from exciting an ignorant peasantry to deeds of violence and outrage, they will find themselves removed from the operation of the Bill; and I cannot but think that what has of late been going on around them ought to convince them of the grave responsibility which rests upon them. For however we may differ as to the cause or nature of discontent in Ireland, one thing is plain—that those who perpetrate crimes and outrages have been in great measure encouraged by the violent, and I fear I must add bloodthirsty, language adopted in the Press, and occasionally by orators, who palliate murder and suggest assassination as a means of redressing grievances of a particular description. And as surely as such a principle is appealed to in respect of one particular description of crime, so surely will it be indiscriminately resorted to on the slightest provocation, and on every occasion when the passions of ignorant men are excited. Murders in Ireland have now ceased to be solely attributable to disputes arising from agrarian misunderstandings or quarrels, and landlords have become a minority of the victims. If ever there was a time when these appeals to violence and physical force were unjustifiable and unnecessary, it is the present. For a year and a-half the attention of the country has been almost entirely occupied with the consideration of the grievances of Ireland. Her electoral system has been re-organized on the widest and most popular basis. Her constituencies have returned to Parliament men of such ability and eloquence as have been able to command, to an exceptional degree, the respectful attention of the House of Commons; and a Liberal Government is in power pledged, by the most repeated and direct assurances, to redress every grievance, and examine every complaint, which the utmost ingenuity can discover. If, therefore, having the most ample constitutional opportunities of advocating their opinions and views, no matter how extravagant they may be, these persons will persist in stimulating an ignorant and susceptible population to outrage and crime, on them, and not on the Government, the responsibility will rest if exceptional legislation, such as is contained in this Bill, is rendered necessary; and I cannot but appeal to the people of Ireland to judge between the Government and these persons in this matter, for I believe that, notwithstanding the discouraging circumstances by which we are surrounded, the heart of the nation, and the great majority of the nation, are still unaffectedly loyal to the cause of law and order.

Moved, "That the Bill be now read 2ª."—(*The Lord Dufferin.*)

THE DUKE OF RICHMOND: My Lords, before I address myself to the details of the measure to which we are asked to assent, I wish to advert briefly to the condition in which Ireland is now placed—partly to corroborate what the noble Lord has stated, and partly because I think he did not go into sufficient detail, and did not make the case so cogent as he might have done: and I think that, when assenting to a measure of so exceptional and stringent a character, it is but right that everything should be stated to justify the course which I hope your Lordships are unanimously about to take. The noble Lord (Lord Dufferin) quoted from Returns which have been placed on the Table, many cases of homicide, murder, and other agrarian crimes, as the justification for the introduction of this Bill:—and I would supplement that by one or two extracts from the Charges given by Judges of Ireland at the late Assizes; for, I think, we shall thus better understand the exact state of the country, than by taking isolated cases one after the other, and by that means illustrating the condition of Ireland. I find that Chief Justice Monahan, in his Charge to the grand jury of Meath, said—

> "He had never delivered a Charge to a grand jury under the influence of greater regret. The number and magnitude of the offences committed since the last Assizes were such as to make one tremble when contemplating the state in which the country must be."

Then, again, Mr. Justice George remarked, at Cavan, on the extraordinary disparity between the amount of crime committed and the number of persons brought to justice. Now, this shows the difficulty of bringing persons to trial, and, if tried, of getting verdicts against them. The learned Judge added—

> "He found hardly any relation of life, hardly any interest of society, which was not affected by these threatening notices. They related to persons holding land, and forbade their paying rent. They prohibited, in peremptory terms, the most common usages. They did not stop there; they entered into the most sacred transactions of society, and commanded people to do and to abstain from doing acts which ought to be left to their perfectly free will."

It would be easy to multiply these quotations, but I do not wish to weary your Lordships by too many details. One remarkable circumstance connected with this state of affairs is, that these outrages are not confined to any particular class in Ireland. All classes seem to be subjected to the dreadful system of violence and lawlessness which now prevails in the sister country. I find, my Lords, by figures quoted by the Prime Minister in "another place," and taken from the returns of the constabulary, the strongest corroboration of this unfortunate fact—that no class in Ireland is exempt from their effect. I find that the list of the objects of these outrages comprises 3 landed proprietors, 9 stewards, agents, and employers of labour, or 12 persons of the class which may be taken as representing property; but that, among the humbler orders, there are 11 policemen, gamekeepers, and others, 21 farmers, 9 women, and 36 or 37 labourers. It cannot, therefore, be pretended that this is a measure of class legislation, for it is evidently as necessary for the poor tenant as for the rich landlord. This is a feature which should induce us without hesitation to agree to the Bill; for landlords who put in operation their most undoubted privileges, farmers who discharge labourers or take a farm which they are forbidden to take—even the wretch whose conscience or whose fears have made him hesitate to perform the bidding of the secret tribunal to which he has bound himself body and soul — all alike are subject to that inevitable doom which awaits those who incur the condemnation of these secret societies. Another deplorable feature in connection with this subject, is the impunity with which these crimes are committed. They are committed in the face of day—sometimes in the presence of numerous spectators, who, however, either will not or dare not attempt to hand over the criminals to justice. Is it, then, to be wondered at, my Lords, that the persons who perpetrate them become emboldened by impunity, and careless of consequences, and go on from bad to worse, till the condition of the country is such as we are now contemplating. My Lords, I have thought it necessary to go into these details in order to justify myself in supporting a measure which is, no doubt, very stringent; but, as in the human body, when a disease has been allowed to take possession of it, and it has been neglected for any time, so in the body politic, when outrage has been allowed to extend unchecked through a population, strong and exceptional measures are necessary to stop the evil, which otherwise may prove incurable. I will not, my Lords, go into the details of the Bill *seriatim;* but I desire to say a few words on its more salient points. I will pass over the several clauses which relate to the possession of arms and the sale of gunpowder, because I believe they have formed part of former Acts that have been passed from time to time to meet a somewhat similar exceptional state of things. The first clause to which I will refer, and which is of a most excellent nature, is that which gives power to the justices to issue warrants to search for proof as to threatening letters. I can conceive no state of things so disastrous as this system of sending threatening letters throughout the land; for there must be such distrust and dread in every family in which such letters are received as almost to paralyze the common relations of life in the country. The next clause I will notice refers to the case of persons who shall be out at night in proclaimed districts, under which such persons may be arrested, if out under suspicious circumstances. The noble Lord (Lord Dufferin) stated that no doubt this provision would put a stop to nocturnal drillings and marauding in various parts of the country. That part of the Bill which takes power to arrest strangers, I think, is exceptionally good; for we know that these crimes are frequently committed not by inhabitants of that part of the country, but by strangers who come from distant parts, and who are, therefore, not likely to be recognized. There is another clause which is well worthy of support; that which gives power to magistrates to deal in a summary way with persons charged with certain offences. We all know that the great thing is that there should be a speedy punishment following the commission of offences, and I believe that this Bill gives powers that, if vigorously exercised, may frequently convict persons in a course of crime, and, at all events, by imprisoning them for six months, will give them time to reflect; and will, in any case, rid the country of them for that time. There is another part of the Bill that is very important—that which gives power to arrest absconding witnesses; and I think that it is well worthy the attention of the Government whether some such provision should not be made a permanent one. A wish has been expressed in some quarters that juries should not be required to be unanimous; but I am glad the Government have not introduced such a clause in this Bill, for if such an alteration is right and necessary it should be part of the general law of the land, and should not be introduced to meet a particular occasion. If inserted in a measure of this kind, it would cast a stigma on a great number of juries in Ireland which probably would not be wholly deserved. The clauses relating to the Press seem to me to be the most valuable portion of the Bill. It is said, indeed, by some, that the measure is of a most tyrannical character, and that a Liberal Government are "gagging" the Press; but I see nothing of the kind in the legislation proposed by this Bill. I was much struck a few days ago with an article on the subject in a leading journal —a journal of the most independent character, which, doubtless, had it seen anything likely to be injurious to the Press of this country or to fetter it in those proper functions which it so happily exercises, would have been the first to denounce these clauses. I will read a short extract which puts the position of the seditious Press in Ireland, one of the greatest vehicles of sedition and rebellion, in a very clear light. It says—

> "There is not a single man engaged upon the 'Nationalist' Press who does not know with the most absolute exactness what should be printed and what not. The obligation imposed upon them by the new law will be simple in the extreme. They must cease doing what they now do with a full knowledge that it ought not to be done, but with a knowledge also that it can be done with impunity. We need be at no trouble to tell them what this is. They understand the case perfectly. They can, if they please, leave 'sedition' alone from this time forward, and they require no assurance that if they do but honestly adopt that resolution they have nothing to fear from the Press Clauses of the Peace Preservation Bill."

So I say. Stringent as the Bill is, it will not affect the loyal inhabitants of the country, but only those inclined to sedition and rebellion. I will not go at greater length into the provisions of the Bill. These are the reasons which have induced me, and those who do me the honour of acting with me, to give a cordial support to the second reading. I am afraid, however, that having said thus much in favour of the measure and its provisions, I cannot hold the Government altogether free from blame in this matter. I do not for a moment mean to say that any Member of the Government has intentionally said anything which could aggravate the condition of things in Ireland; but I am no less sure that speeches made by almost every Member of the Government at various times, misconstrued by mischievous agitators, have done incalculable mischief in that country. I wish also to know whether the Government have taken any steps during the time they have been in Office to check—or indeed to take any note of—the seditious speeches which have from time to time been made throughout the length and breadth of the land. I would especially draw their attention to a case which was brought under their notice the first night of the Session—namely, to a meeting at which the Lord Lieutenant of Leitrim presided, and was guilty of language, as I think altogether unbecoming his position as Lord Lieutenant, as well as of listening to language which he ought to have promptly rebuked. It may, indeed, be said that the noble Lord (the Earl of Granard) was not present at and presiding over that meeting in his capacity as Lord Lieutenant, since the meeting was in the county of Wexford, and that the noble Earl opposite could not take him to task for it. But although it may be technically true that the noble Lord could not have taken the noble Earl (the Earl of Granard) to task as Lord Lieutenant of the county of Leitrim, yet I think it behoved the noble Earl to be more careful in the language he used. To give a more definite meaning to what I say, I will add that I find that, unless he is incorrectly reported, he quoted a sentence from a speech made by the noble Earl at the head of the Foreign Office. Nobody can believe that the noble Earl (the Earl of Clarendon) had the smallest intention of giving the meaning which was afterwards put upon it; but he was incautious in his expressions, and the Lord Lieutenant of Leitrim quoted them in his speech on that occasion. I am not satisfied also with the period of the Session at which this measure has been introduced. The noble Lord (Lord Dufferin) says it would have been difficult to fix any time at which such a Bill should have been brought in, and he rather startled me by suggesting that your Lordships should undertake the inquiry by ballot. Now, thank goodness, we have not yet arrived at the ballot. The noble Lord also says it was the duty of statesmen not to bring in such a measure until everything else had failed. Now, I want to know what else has failed? The Government last year brought in a measure for the disestablishment of the Irish Church. If therefore, the noble Lord says the Government had to wait until everything else had failed, my answer is that this Bill being now introduced, the Government admit their Irish Church Act has failed, and has not had that effect of conciliating the people which they expected it to have—and that therefore their only resource is to bring in a measure of coercion of great stringency. Why, however, have they waited till now? Why was it not brought in at the opening of the Session? What has happened between the 8th of February and the day when the Bill was brought into the other House of Parliament, to induce the Government to rouse themselves, and to decide that everything else has failed, that Ireland is in a dangerous condition, and they must try a stringent Coercion Bill? As to the mischievous influence of the seditious Press, one of the passages quoted by the noble Lord appeared last June, and the other last October; yet the Government wait till March before they bring in a measure to repress such publications. I can, however, quite understand the reluctance of noble Lords opposite to bring in such a measure, for it is an admission that the mode in which they have undertaken to govern Ireland is practically a failure. I pitied the noble Lord when he spoke of the humiliation he felt. Humiliation for what? Why, because everything the Government has tried has failed—because their policy of conciliation is not a policy adapted to the state of Ireland—and because they are obliged to fall back on a stringent measure like this. When Parliament met, their first measure was one to deal with the land; but surely they will not say that that subject was more important than this. They surely would not prefer security of tenure to security of life and property. But if the Government did not, why need they have postponed this measure until they had made progress with the Land Bill? I cannot understand the reason why this measure has been so long postponed, and I must say very great responsibility attaches to Her Majesty's Government for the delay. Now, let me point out to you the difference between Ireland governed, as I think, upon sound principles, and the state of Ireland under the administration of the noble Lords opposite; and with this object I will quote two passages—one from a speech delivered by my late lamented friend the Earl of Derby, whose loss we must all deplore most deeply whenever we approach questions of difficulty such as that before us, and the other from the present First Lord of the Treasury. In 1866 Lord Derby said—

> "I believe that a Government in Ireland which shows itself determined to do its duty by all ranks and classes, may hope to receive the support of a large majority of the Irish people, than whom there are no greater lovers of impartial justice. We do not propose in our government of Ireland

> to act upon any exclusive principle. We desire to obtain the co-operation of all who have at heart the peace and tranquillity of the country, the maintenance of the rights of property, and the putting down of unlawful associations."—[3 *Hansard*, clxxxiv. 742.]

I do not quote this by way of drawing any invidious comparison between the two Governments, though I may have strong opinions upon that point; I merely wish to show the difference between the administration of Ireland by Lord Derby and by the present Government. To show the condition of Ireland under the administration of the late Lord Derby, I cannot do better than quote from a speech by Mr. Gladstone in 1868, on Mr. Maguire's Motion, in which he says—

> "The facility to which the improved sentiment of many classes of the people gives rise in the administration of justice is a circumstance upon which, I think, we cannot too freely indulge our satisfaction."—[3 *Hansard*, cxc. 1745.]

We cannot have a stronger testimony of the wisdom with which Lord Derby governed Ireland than that afforded by these comments of the present Prime Minister. Possibly my noble Friend will say that one of the causes of the success of Lord Derby's Government was the suspension of the Habeas Corpus Act. The noble Lord assents to that; but surely he does not mean to use that as an argument, because if the suspension of the Habeas Corpus Act is a remedy for agrarian outrage, why does not the Government recommend it now? In fact, that is not the proper method of dealing with agrarian outrages, but the Bill which you have introduced is. Would the suspension of the Habeas Corpus Act influence the conduct of the Press in any way? I for one cannot accept that as the cause of Ireland's tranquillity under Lord Derby, and trust that when we have passed this Bill, as I believe we shall, the Government will administer its provisions with determination. In this course the Government will be supported by all classes of the community. The whole country is desirous that justice should be done to Ireland; but it is desirous, also—nay, insists—that justice should be done to all classes—to the loyal and unoffending, as well as to the disloyal and rebellious. Above all, what the country is clearly desirous of, and the policy they will support any Government in, is this—that sedition shall be suppressed, and that murder and outrage shall not go unpunished.

LORD ORANMORE AND BROWNE said, that being an Irish country gentleman, he desired to say a few words to the House; for those who resided in Ireland were those who suffered directly from the crime and outrage that prevailed there. In his own part of the country the best feeling had hitherto existed among all classes. For forty years he had lived among his tenants, a Protestant among Roman Catholics, but had never come into collision with them in any way. He was therefore, to that extent, competent to form an opinion as to the cause of the present state of the country. What that was now they had only to look to the Charge of Mr. Baron Deasy at the last Assizes. The learned Judge described the state of crime in Mayo; and he commenced with referring to two murders, five or six attempts to murder, threatening letters, firing into houses, burning stackyards, patrolling the country every night, and administering unlawful oaths. Further, bonfires had appeared in every village around where the stackyards had been burned, to show the sympathy of the people with this state of disorder. It would be a long story to show how this state of things had been brought about; but he must say that he unhesitatingly attributed it to the policy and the speeches of different Members of the Government. Unfortunately, it was customary in the House of Commons to ignore one great influence at work in Ireland, from fear, perhaps, of its paramount influence with Irish constituencies; he referred to the Roman Catholic Church, which he described as as the first difficulty with which every Government had to deal in the government of Ireland. The first mistake made by the present Government was its attempt to govern Ireland through the medium of the Roman Catholic clergy; and he deduced this from the appointment of the present Lord Chancellor, a most excellent man, but an extreme Ultramontane, who had been preferred in consequence of his known sympathies with Cardinal Cullen—at least, so it was held by the Roman Catholic clergy. One objection to the principle of governing a country through the priesthood had been found in every Roman Catholic country in Europe; for wherever it had been attempted, in the end, they had been compelled to prohibit the interference of the Church in the civil administration, for it was always found that such interference was inconsistent with civil and religious liberty. There were special reasons in Ireland why the Roman Catholic priesthood were unwilling and unable to support the Government. For three hundred years they had been persecuted and ignored; and the consequence was that the antagonism of that clergy to the connection with Great Britain had been so strong, that were they now to recede from that position, the people of Ireland would believe that they were breaking faith with them, and they would lose their influence, their power, and, therefore, their means of support. That the clergy themselves believed that to be the case was apparent from their conduct during the last few years. When Fenianism became dangerous, not only to the Government, but to the Roman Catholic Church, the Roman Catholic clergy lent the Government all the support in their power; but when the danger was past, they began to see that they were imperilling their influence by opposing the nationalism they had previously encouraged; and, turning round suddenly, they ordered masses to be said for the Fenians who were executed at Manchester. What was the position of the Roman Catholic clergy, with regard to the crime and outrage that prevailed in Ireland? Why, although the Prelates of that Church assembled together before they went to Italy to express their opinion, with reference to the education question and the land question; yet, as a Church, they had never ventured to condemn assassination and crime—though he should be very sorry to believe that they would not do so if they durst. These were some of the reasons that led him to believe that the Roman Catholic clergy could never be good and faithful allies to any English Government, even when the latter were endeavouring to carry out the "platform" and the views of the Roman Catholic hierarchy. Macaulay, in discussing the platform of that hierarchy in 1688, said—

> "The fixed purpose of the Irish was to break the foreign yoke, to exterminate the Saxon colony, to sweep away the Protestant Church, and restore the soil to its ancient proprietors."

Her Majesty's Government had, to a certain extent, carried out those views. They had swept away the Established Church; and, as far as their Lordships would permit them, they were about to restore the land to its ancient proprietors, while they had left the peaceful portion of the population a prey to the lawless and the disaffected. Her Majesty's Government had committed another grievous error in releasing the Fenian prisoners. Those prisoners had only just been convicted, at the peril of the lives of both Judge and jury, and the moment they had been found guilty and sentenced to long terms of imprisonment, they were again let loose upon society, to exercise vengeance upon those who had convicted them. Under these circumstances, juries were naturally afraid to convict, and the result was that the trial of Barrett was, as it had been described, a total failure of justice, while nearly every prisoner had been allowed to escape at the last Assizes for Mayo. The feeling has spread throughout Ireland, and wherever there was concession, it was followed by increased outrage. He believed that the disaffection which existed in Ireland had been generated in a great measure by the speeches of the right hon. Gentleman the President of the Board of Trade and the right hon. Gentleman at the head of the Government. No one regretted more than he did the absence of the former from his post at the present time, because he was the only Member of the Government who had proposed an honest and a fair mode of dealing with the land question—namely, that of paying the landlords for what was taken away from them. Furthermore, the right hon. Gentleman was never afraid of taking the responsibility of what he said. Unhappily, every one must recollect the well-known letter, in which the right hon. Gentleman had discussed the probable fate of Irish landlords, were the sister country removed 2,000 miles from our shores. In another speech the right hon. Gentleman almost promised the people of Ireland that the land should be theirs; and in his last great speech at Birmingham, he being then a responsible Minister of the Crown, he had passed over the disastrous condition of Ireland as unworthy of the notice of himself or of that of the British public, and had concluded by talking about free trade and free land. The effect of these speeches in Ireland was to make the people believe that the Government really intended to hand the land over to them; and it had been stated, but he did not know with what truth, that a copy of that speech had been sent to every parish priest, with the view of the Irish people being informed what they had to expect from the Government. He then came to the famous Wigan speech of the right hon. Gentleman at the head of the Government. It was an old story, to be sure, but it was worth a great many new ones. In that speech the right hon. Gentleman said—

> "It is clear the Church of Ireland offers to us indeed a great question, but even that question is but one of a group of questions. There is the Church of Ireland, there is the land of Ireland, there is the education of Ireland. . . . . they are all many branches from one trunk, and that trunk is the tree of what is called Protestant ascendancy. I look to this Protestant people to put down Protestant ascendancy. . . . . It is upon that system that we are banded together to make war. . . . . . And although we have paid instalments to Ireland, the mass of the people would not be worthy to be free if they were satisfied with instalments, or if they could be contented with anything less than justice. We therefore aim at the destruction of that system of ascendancy which, though it has been crippled and curtailed by former measures, yet still must be allowed to exist. It is still there, like a tall tree of noxious growth, lifting its head to heaven and darkening and poisoning the land so far as its shadow can extend, and now at length the day has come when, as we hope, the axe has been laid to the root of that tree, and it nods and quivers from its top to its base."

Those words had been thus commented upon by a leading Liberal journal—

> "Ominous words—ominous because they contain so much indisputable truth; ominous because they have so wide a scope and are capable of such a serious, if not a sinister, interpretation. No words so curiously calculated to warrant the alarm of proprietors and statesmen on the one hand and to rouse or justify the wildest hopes of Irish occupiers on the other could possibly have been uttered. If they were spoken, as we hope and believe, without a full perception of their bearing, they were a grave error on the part of so eminent a statesman. If they deliberately meant all they say and all they involve they are enough to create the gloomiest misgivings."

And those gloomy misgivings were but too amply realized in the present deplorable condition of society in Ireland. Their Lordships knew that Mr. O'Connell, with the aid of the Roman Catholic clergy and others, kept the country for nearly thirty years on the verge of rebellion. A short time ago the Prime Minister went out of his way to create the brother of "the distinguished Liberator," as he used to be called, a baronet. He believed that Sir James O'Connell was an excellent gentleman, and one who had the good sense to keep out of politics; but the only reason for making him a Baronet would seem to have been to show that Mr. Gladstone appreciated and sympathized with the career of Mr. O'Connell. What were the next utterances of the right hon. Gentleman? When introducing the Land Bill he said—

> "And after so long a period of depression and despondency, I cannot, for one moment, be surprised that, in some cases where this hope has been revived it has, in the minds of some, been such as to exhibit elements of a riotous exuberance."—[3 *Hansard*, cxcix. 349.]

The whole tenour of the right hon. Gentleman's speech was to the same effect. He further said—

> "Again, taking the history of the more recent times, you will find that those counties where the disturbance of order has been greatest are not those which have a peculiarly Celtic character; every one of these is excluded from the list. The fact is that the infusion of English and of Scottish blood has poured into the elements whereof the Irish character is composed a spirit of pride and of ready self-defence—that sentiment which has made England and Scotland ever prompt to rise in defence of what the people deliberately believe to be their rights. It is not the then Celtic element in the character of Ireland that has given rise to all the disturbance of recent years, but it is a race even more energetic and massive in character and determined not to be trodden down, which, having mixed with the Celtic race, has been the foremost to manifest its displeasure and resentment whenever it has been made subject to the suffering which is invariably at the root of agrarian crime."—[*Ibid.* 338.]

One of the most notable of the popular journals in Ireland had this commentary on the right hon. Gentleman's remarks—

> "When has a handsomer thing been said of Rory of the Hills? We do not know that any of the Irish national journals have ever put the case of agrarian disturbances on such high grounds."

That showed better than anything he could say how the people of Ireland appreciated the tone and language of the right hon. Gentleman. Mr. Gladstone next came to speak of the landlord class, and he thought their Lordships would observe a slight difference in his sentiments. He observed—

> "I will merely state that some of the most painful, some of the most indefensible, nay, some of the most guilty of evictions have occurred between the two dates to which I have referred. I think that of the crimes we have been so recently lamenting no small portion is to be traced to an interference with the fixed usages of the country, and with what people believed to be their rights," &c.—[*Ibid.* 341.]

In an advertisement relating to the distress at Woolwich, and which was taken from *The Times* of December 4, there was this statement,—

> "The widows now upon our list exceed 140. Men, women, and children—the old and the young —without daily necessaries for the body, become gradually but surely demoralized."

The Government had thought themselves justified in sending those poor people out of their homes at Woolwich; while Mr. Gladstone designated the landlords of Ireland in the language he had read to their Lordships. These violent epithets directed against that class could have had only one effect—that of increasing the evils to meet which public opinion had forced the Government to at length bring forward this Bill. He should make one other quotation from the right hon. Gentleman the Prime Minister. He said—

> "There is, however, another false impression which it is necessary should be dissipated, and that is, that there is some thing extraordinary and strange in the present sensitiveness of Ireland, and in the recent tendency to an increase of agrarian crime."—[3 *Hansard*, cxcix. 340.]

He should rather transpose language used by the right hon. Gentleman the President of the Board of Trade when speaking of the Irish Church, and say—"Does not the eloquence of the Premier fan the hot breath of faction, being not so much the light of a wise and good counsellor 'as a scorching fire burning up everything that is good and noble in the country, so that industry, charity, peace, and liberty have perished in its flames?'"

Lord LURGAN said, he cordially supported the second reading of the Bill, which he believed had become absolutely necessary. He believed, indeed, that for some time past there had been a diminution of religious animosity; and at Armagh, Downpatrick, and Belfast the Judges of Assize had been able to congratulate the grand juries on the state of the counties of which those places were the chief towns. But his sympathies were not confined to Ulster, because he held it to be the duty of all Irishmen to look to the benefit of the whole of Ireland. Indeed, he thought nothing could be more injurious to the general interests of the country than any vaunting of the superiority of the Northern Province over the other Provinces of Ireland. To sink all minor differences ought to be an object with all Irishmen; and they ought also to remember—what he was sorry to think some of his countrymen forgot—that they were a portion of the people of the United Kingdom, and were bound to obey its laws. He regretted, however, to be obliged to arrive at the conclusion that this Bill was absolutely necessary; but after the clear statement of the Chancellor of the Duchy of Lancaster (Lord Dufferin), he thought no doubt could exist in the minds of anyone as to that. Then came the question, what had brought about the state of things which made such special legislation necessary? He confessed he could not give that question a very satisfactory answer. Undoubtedly, for many years, a policy had been pursued towards Ireland which was not calculated to win her affections and insure her loyalty; but of late years there had been a manifest determination, on the part of leading statesmen on both sides of the House, to meet the wants of Ireland. He felt surprised that any portion of his countrymen should be so easily led away as to be deceived by persons who incited them to agrarian outrages, and by newspapers whose columns teemed with encouragement to sedition and rebellion. Surely they must have discrimination enough to see that these cruel and cowardly murders, these awful agrarian outrages, could lead but to one end. What were they likely to produce? He feared the tendency was to excite to a repeal of the Union. The strong arm of England would prevent the realization of the hopes of those would-be patriots; but, in the meantime, the acts of those men would affix a stigma and a reproach on the Irish name in the face of the whole world. It was to prevent such a result that he cordially supported the second reading of this Bill. Grave charges had been made by the noble Lord who spoke last (Lord Oranmore), and they had also been made in other places, against noble Lords and right hon. Gentlemen, who were the leading members of the present Administration. He thought those charges had been so fully met and answered that he would not again go into them; but one accusation had been brought against the Chief Secretary for Ireland which, to his mind, was most unfair. A deputation, composed of magistrates and gentlemen from a central county of Ireland, where crime and disorder had unfortunately taken the place of law and order, waited on that right hon. Gentleman to state their grievances;

and the right hon. Gentleman, as he always did, listened to them with calmness and consideration; he heard all that they had to say, thought the matter over in all its various phases, and then put the very natural and proper question—"What suggestions can you, the gentlemen of the county, make?" Well, those gentlemen, leading members, he believed, of their county, acting magistrates, thoroughly competent to fulfil their duties, regular attendants at petty sessions and quarter sessions, could make no answer. That, he owned, did not surprise him; for to discover the origin of these Fenian and Ribbon conspiracies was a task, he was sorry to say, that baffled them all. But what certainly did surprise him was, that those gentlemen and others should have rebuked the Chief Secretary for Ireland for putting that very proper and natural question—one which did not by any means imply that the right hon. Gentleman, or the Government he represented, had no policy of their own; but which did imply that the Government were anxious to consult the wishes of Irish country gentlemen—a course of procedure which he thought must commend itself to the noble Marquess (the Marquess of Clanricarde), who moved for certain Returns relative to Ireland a few nights ago; and also to noble Lords opposite, who would remember that on the formation of the late Government the House was led to understand that the Lord Lieutenant and magistracy of Ireland were to be freely consulted on all matters connected with that country. It had been argued that if the late Government had remained in Office peace and happiness would have reigned in Ireland. No doubt, to a certain extent, peace and happiness did prevail in Ireland under the late Administration. But what was the cause of that? The degree of peace then obtained was owing to the suspension of the Habeas Corpus Act—a very proper measure to have in reserve, and to use when necessity required; but, surely, not one to be continually exercised; and he quite concurred with the statement made the other night that the suspension of the Habeas Corpus Act was a proceeding more adapted for the repression of political than to that of agrarian crime. A word as to the happiness of Ireland under the late Government. The gentry of Ireland, as they all knew, were nearly all Conservatives; they had their own view of everything, and were naturally happy. True to the spirit which bound them as one man, and animated by that devotion to their principles, which did them credit, they flocked in numbers to the Castle during the late Administration, knowing the Viceregal Court was presided over by a nobleman who shared their sentiments, and was prepared, when he could do so consistently, to carry them out. He said consistently, because he had not the least wish, for one moment, to blame the noble Duke, then at the head of affairs in Ireland, for the slightest partiality. On the contrary, he believed that, in the administration of Irish affairs, the same spirit actuated him as had always actuated him in the management of his vast estates—namely, a desire to act with fairness and consideration to all classes and creeds. Under those circumstances, he was not surprised that there should then have been a lull —a temporary calm; but he could not bring himself to imagine that state of things would have been of long duration. Unfortunately, the roots of Irish discontent still lay deep in the country. Some of them were eradicated last Session; more remained to be eradicated this year. No doubt, the Bill now before their Lordships would give the Government large powers; but it must be remembered that extreme cases required extreme remedies; and in these days when everything was so freely criticized and so fully noticed, he did not think there was any chance of these powers being abused. On the contrary, from all he could learn and read, he thought if the Government attempted in any way to strain the law, they would be speedily called to account. He should rejoice if, after the Bill became law, there would be no necessity for the application of this legislation, and that none of his countrymen were found to bring themselves under the operation of its provisions. He was glad to see the Government, which was strong enough to pass great measures of a remedial character for Ireland, also addressing itself to the task of legislating for the protection of life and property and the maintenance of law and order in that country.

THE EARL OF DERBY: My Lords, I do not rise for the purpose of prolonging this debate. The state of Ireland, as we know, is critical, and we are all pretty well agreed as to what we are now called upon to do. Under these circumstances, criticisms of a merely retrospective character — criticisms upon the state in which that country unhappily is, and on the causes which have led to that state, however natural, however much they may seem called for by events of the last twelve months, do not appear to me of any great practical value. It is most unfortunate that any measure of this kind should be necessary; but, being necessary, we have our duty to do, and from that duty we cannot shrink. We may think—I do think—that the Government have come rather late to their decision. I have not heard any very clear or cogent arguments to show why a measure, which is indispensable towards the end of March should have been considered wholly unnecessary at the beginning of February. But, for my own part, I have no wish to enter upon retrospective comments of that kind. I am very willing to give noble Lords opposite credit for the decision at which they have arrived, without dwelling upon the fact that they have been a long time in coming to it. There can be no doubt that, in dealing as they propose to do with the freedom of the Press, they are striking at the root of the evil; and, for my own part, I wish to bear my emphatic testimony, whatever it may be worth, that strong as this measure is—and I apprehend it is one almost unprecedented in its stringency—it is not one whit stronger than the occasion requires. These seditious papers are circulated by tens of thousands among the Irish people; those who read them read nothing else; they never hear the other side of the question; the teaching of those journals is believed and is acted upon; and I need hardly say that to an Irish peasant the very notion of these constitutional considerations which would prevent English statesmen, except in times of the utmost emergency, from attempting to interfere with the freedom of the Press is unknown and even inconceivable. The Irish peasant, if he thinks at all as to what motive English statesmen may have for allowing these journals to go on unchecked, thinks it is because they are afraid to put them down. Well, my Lords, I have not a word to say against the principle of this measure. As to its details, they will be more conveniently considered in Committee, into which I suppose we shall go at the earliest possible opportunity. I rose merely to suggest that from these enactments one provision has been omitted which has in it nothing of hardship, nothing of a coercive or unconstitutional character; which is exceedingly simple in its nature, and which, I believe, would have an immense effect in securing convictions in cases where convictions ought to be obtainable, but where, under the present state of the law, they cannot be obtained. What I mean is, that you ought to do away, as regards Ireland, with that rule which requires a jury in criminal cases to be unanimous. Even in this country the wisdom of that requirement is open to some doubt, although I admit it is one in favour of which there is much to be said; but in Ireland, where the sympathy with crime is so strong, and the want of moral courage among the people is so marked, the rule which requires unanimity in a jury is absolutely fatal in many cases to your chance of obtaining a conviction. Every murderer, every person committing an outrage knows that even if he should not be able, through the sympathy of his neighbours, to evade the police, he has still another chance in his favour, because if he has only a single sympathizing friend on the jury that tries him, all will be right. I need not remind those who have studied Irish affairs for the last few months that, on two several occasions, there has been a failure of justice, so marked, that under all the circumstances, and with all the excuses that may be made, I must call it a grievous calamity. Now, in my opinion, a majority of two-thirds would give all reasonable security in any case which admits of fair doubt, and I think that you ought not to ask for more. I do not say that this suggestion which I have thrown out, and which, I think, ought to be adopted as a permanent alteration of the law, should necessarily be included in the present measure; but I think it might, and it is a suggestion which deserves consideration. You are now dealing in a very stringent, I will not say unconstitutional, but in an extra constitutional manner with certain manifestations of treason and sedition, and you cannot afford to throw away a perfectly constitutional and legitimate weapon most useful in those cases of murder and outrage which are so intimately connected in Ireland with treasonable and seditious movements.

THE EARL OF KIMBERLEY: My Lords, Her Majesty's Government have certainly no reason to complain of the manner in which the measure, the second reading of which has been moved by my noble Friend the Chancellor of the Duchy of Lancaster, has been received by both sides of the House. Nothing could be fairer than the spirit in which the noble Duke and the noble Earl who has just spoken have treated the Bill which we have thought it our duty to lay before Parliament. Painful as that duty must necessarily be to any man charged with the responsibility of governing Ireland at the present time, it must be very satisfactory to know that the measure we propose has met, both in this and the other House of Parliament, with general support and approval. Such being the case, I am spared the necessity of going into any defence of the various provisions of the measure, which were fully explained by noble Friend (Lord Dufferin), and which, as the noble Earl who has just spoken has said, will be more naturally and properly discussed when the House goes into Committee. But it is only right that I should notice a complaint made by the noble Duke opposite, and which to some extent was supported by the noble Earl, as to the time when Her Majesty's Government introduced this Bill. Now, my Lords, I think the House will admit that there is no duty which it is more specially the province of the responsible Government of the Queen to determine than at what particular period it may be necessary to ask Parliament to pass measures of extraordinary coercion and repression; and I can assure the House that no subject could be matter for more anxious consideration than the question of the time of proposing such a measure has been to the Government ever since the beginning of this year, and even sooner. My Lords, I think that the key to some portion of the complaint that has been made may be found in a sentence which fell from the noble Duke opposite, when he said that some persons have mentioned that, possibly, this measure may have been postponed on account of the Land Bill—a Bill which could not be comparable in importance for a moment with a measure for the preservation of life and the security of property. Now, I think that shows an entire misconception of the state of Ireland, and of the policy which I maintain is necessary to be pursued towards that country. My Lords, as I fully admit, it is the first duty of every Government to provide for the security of life and property; but I do not hesitate to say that the Land Bill is a measure of infinitely greater importance than the one which we are discussing here this evening, not only as regards the effects which may flow from it with respect to the general social condition of Ireland, but as regards its direct bearing on the object of this Bill. The object of the policy which that measure represents is to increase the security of life and property in Ireland; and we seek to increase it, not by measures such as this, which, indispensable as they may be, are temporary in their duration, and can produce no permanent improvement in the condition of the country; but by measures which we hope will lay the foundation of greater confidence between the different classes in Ireland—the want of confidence between whom has produced the state of things which requires this coercive legislation. If, therefore, we rested our defence on the policy of introducing remedial measures first and coercive measures after we should not be wholly without justification. But I do not rest our defence for the postponement of this Bill on these grounds, because, great as the importance of our Land Bill is, yet I admit that measure should be laid aside if you find it necessary to resort to exceptional measures when life is in danger. But we carefully considered from month to month what was the state of the country, and we thought it our duty, as I believe it has been the duty of other Governments before us, to wait until the case was so clear that we might look with confidence to the almost unanimous support of Parliament when we asked for an extraordinary measure such as this. I do not think it necessary to trouble the House with reports of the state of crime in Ireland at former periods. I do not think that from such reports any perfectly accurate conclusions can be drawn. I will only say this—that on former occasions the amount of crime was often greater, and had been so for some time before coercive measures were proposed;

and it is well to remind your Lordships, for fear you should be misled, that the state of the country is to be measured not merely by the whole number of offences committed or reported to the police, but by the character and gravity of those offences. And although, unfortunately, crimes have been committed in Ireland during the last few months, of a most horrible and atrocious character, yet when you come to consider the number of graver offences, and deduct those of a less heinous character, the list is not so formidable as your Lordships may have been led to suppose. In the list of offences mentioned in the Report which has been laid upon your Lordships' table, I find that in the month of January—the last which is included in this Report — among the agrarian crimes, which naturally are those we had specially in view, no case of murder or manslaughter was reported to the police; and, although there was so large a number as 391 agrarian outrages reported, 117 of these were either threatening letters or threatening notices. Now, threatening letters and threatening notices are, no doubt, indications of a state of terrorism, which may require the prompt interposition of the Government; but, at the same time, it is obvious that, in considering whether you are to propose measures of this kind, the state of the country as regards the actual commission of offences dangerous to life must be looked to rather than those of a less serious character. It is true that the continuance of these threatening letters and notices, giving, as they do, indication that there is growing up a gradual disorganization of society in particular districts which is sure to lead to graver crimes, is a strong reason for the attention of the Executive; but still the Government may be allowed to have had some reason for pausing before they came to Parliament at the commencement of the Session to ask for a coercive measure such as this. The noble Earl who has just sat down (the Earl of Derby) alluded to a suggestion which has been made, and which I think one of great importance—namely, the proposal to alter the law as regards the unanimity of juries—and he has given his opinion to the House—one which certainly is of great weight—that it would be desirable in Ireland to adopt the plan of the consent of two-thirds. My Lords, I agree on this point with the noble Duke who spoke before the noble Earl, that such a measure as this, which undoubtedly is worthy of consideration, is not one which ought to be introduced in a temporary Bill of this nature. It is obvious that such a measure, if it is to be carried, being one of great importance, as it would fundamentally alter the law of the country, must be of a permanent character; and I think that, sad as the state of Ireland is, the conduct of juries, during the last three or four years, has not been such that you ought — especially at this moment—to introduce a change of that kind in a temporary Bill, founded upon the special circumstances of the time. In addition to this, when you came to propose such a change in the law, you would find it necessary to consider whether such a change must not be made here in this country as well as in Ireland, and be general in its application. I do not know that I need trouble the House with any further remarks; but, having been myself engaged in the arduous task of conducting the Government of Ireland, as Lord Lieutenant, at a time when sedition and treason were especially rife, I must say I welcome with great satisfaction the support which the noble Earl gives to that part of the Bill which is directed against abuses of the Press. My Lords, nothing can be more unsatisfactory to any man accustomed to constitutional freedom in this country, and to the great advantages derived from a free Press, than to be obliged to resort to such exceptional and extremely stringent measures as we do in this Bill. But I agree with the noble Earl opposite that these measures, stringent as they are, are absolutely required by the character of the seditious Press in Ireland. And when I say that, I must also say that there is little change in the tone of that Press. When I was Lord Lieutenant of Ireland, I made it my duty, day after day, and week after week, to read the productions of the seditious Press, and from one end to the other there was but one laboured incitement to treason against the Crown, one continued stirring up of discord between different classes of Her Majesty's subjects, and one persistent attempt to poison the public mind and to sow hatred between all classes, than which I cannot conceive anything more mischievous, more odious, and more detestable.

Measures of this kind, directed against a Press of that character, can never interfere with free criticism—free as I hope criticism in this country will always be—as regards the measures of the Government and the men who compose it. But when you find direct attempts made to stir up insurrection against the Government, then it is a mere parody upon constitutional freedom to abstain from attempting to suppress them. Let me say one word more. I naturally, as a Member of Her Majesty's Government, think that the remedial policy which we are pursuing towards Ireland is calculated to produce ultimately an improved state of things in Ireland, although, I fully admit, that some time must necessarily elapse before the good effects of that policy can be felt. But, much as I approve that policy, and greatly as I hope to see a better day for that country, not the less do I say, unhesitatingly that I trust the Government to which I belong, and any Government which may hold Office in this country, when those remedial measures have been fairly carried into effect, and when it has once for all been clearly shown that the country is resolved to the utmost of its power to do justice to all classes in Ireland—I say I hope that any Government under such circumstances, will not shrink from whatever measures may be necessary, even though those measures may be coercive in their character, to preserve order and peace in the country; because however painful it may be to carry those measures into effect, no laws, however beneficial, however calculated to increase the wealth and prosperity of the country, or to promote a better state of feeling between the different classes of society, can ever have any healing effect unless outrages, which disturb the security of life, which render the possession of property insecure, and which paralyze all the efforts made to produce peace and contentment in the country, are repressed by stern and vigorous administration of the law.

The Marquess of SALISBURY: There is one topic, my Lords, which was referred to in the speech of my noble Friend behind me (the Duke of Richmond) upon which I could have wished that the noble Earl who has just sat down had touched more particularly. My noble Friend behind me called attention to the fact that seditious and treasonable language — in reference to which the Bill has such stringent provisions — has most assuredly not been confined to writers for the Press or anonymous authors. On the contrary, he reminded us that no less a person than the Lord Lieutenant of one of the counties of Ireland had, in terms of very strange and strong admiration, alluded to past insurrections in Ireland, and had praised and encouraged a Roman Catholic priest who, on that occasion, used language that could be no otherwise interpreted than as an incentive to murder and outrage. Now, as Lord Granard is unfortunately not present, I do not wish to raise any discussion on the subject, as it would be obviously inconvenient that it should take place in his absence; but I confess that it does appear to me that it would have been more becoming if the noble Earl had been present to defend the language he used on that occasion, and which has been alluded to at a previous period of the Session; and the presence of the noble Earl would have been especially desirable this evening, when we are about to read the second time a Bill the provisions of which would have this effect—that his speech would have condemned to confiscation every newspaper that had ventured to report it; and still more certain would have been the liability to seizure of any journal that had printed the speech made by the Roman Catholic priest by whom Lord Granard sat, for the publication of that speech would have been justly condemned as treasonable and seditious language, inciting to the commission of crime. Now, a grave responsibility rests upon every man who addresses—whether in Ireland or elsewhere — so inflammable a population; but, considering how harshly the Government have dealt with Protestants who have expressed their opinions freely, I think they ought to have shown more frankness and boldness in discouraging eulogistic allusions to Vinegar Hill on the part of their own supporters. As to the Bill itself, I have little to add to the chorus of general praise with which it had been received. The noble Earl opposite (Earl Granville) was pleased in his previous speech to use language which gave us little reason to hope that the provisions of the Bill would be so stringent and effective. We are, I confess, favourably disappointed. The only criticism I am disposed to pass on it is to join in the recommendation that has been made by my noble Friend behind me in reference to the real and permanent source of danger to good government that exists in Ireland. It seems to me that in the Bill you are striking at the wrong man. You have two enemies—the Fenian and the Ribbonman; but the Bill is almost entirely against the Fenian. In so selecting your enemy it seems to me that you have misestimated the relative force of the evil influences with which you have to contend. Fenianism is terrible, no doubt, and is very injurious to the peace of Ireland. It is a thing that every loyal subject is bound to resist; but it is not an enemy with whom, when the real struggle comes, you can ever struggle at a disadvantage. You may strike early or you may strike late; if early, it will be more humane; if late, your blow will be more effective; but whether it be early or late, there can be no doubt about the result. The suppression of any effort that Fenianism might make would not only be effected without difficulty, but without leaving a single trace in the military Estimates of the year. The task of putting down Fenianism is absolutely easy. But in Ribbonism you have an enemy of a very different kind. It cannot, indeed, tear Ireland from its allegiance to Her Majesty, but it can bleed Ireland to death; it can drive away all the constituents of her prosperity; it can exile from Ireland everyone who can afford to live out of the country; it can frighten away that capital which is the life-blood of commercial and national prosperity; it can so utterly disorganize society that all the elements of wealth and well-being must disappear. This it does, and can do, almost in security; at all events it will tax to the utmost all the powers of the police that you can bring against it. It seems to me, then, that the Ribbonman, and not the Fenian, is the person at whom you ought to have struck; and for that reason, I earnestly press upon the Government the recommendation made to them to deal with the question of juries. Your only chance of striking at the Ribbonman is by convincing him that he is not sure of being able to offend with impunity. At the present moment he is absolutely secure. I believe that you have not succeeded in convicting any one of the authors of the recent agrarian outrages. Even in those rare cases where you have been able to offer evidence you have failed to convict, because it has been found impossible to induce the one man who has stood out on the jury to give way. It does seem to me an absurd and unreasonable thing that one man should be able in that way to stand in the path of justice. The truth is that our system requiring unanimity in a jury is a system which, venerable as it is, could only be possible among so illogical a nation as we are. Nobody sitting down to construct a constitution for the first time would enact that no crime should be held to have been committed so long as there was one man on a jury whose sympathies are strong enough to induce him to run the risk of losing his dinner for the sake of preventing conviction. Dining, I admit, is a ceremony to which, happily, the English people are deeply attached; and, happily, also, Englishmen are accustomed to give way to the strongly-expressed opinion of the majority; and the result is that a system has worked with us for centuries very easily which, upon theory, could not for a moment be defended. This rule of unanimity is not adopted in Scotland or in France, or in any other country; but we apply it in Ireland, where we have to deal with a population whose passions are so strong that they would risk not only the loss of their dinners, but of many things besides, rather than consent to a verdict which is opposed to their sympathies. I believe that no measure you could devise would be more effectual to strike terror into the secret assassins who are destroying the prosperity of Ireland than one which should take away the necessity of unanimity in juries. If that improvement were adopted in the Bill I think there would be little to be desired. The clauses in reference to the Press seem to me most desirable and admirable; and though they also appear to be aimed rather against Fenianism than Ribbonism, still, such as they are, I am bound to thank the Government for them. I shall hope for another advantage from the Bill, in which, perhaps, noble Lords opposite will not very heartily sympathize. Moralists have held that it is a good thing for a man once in his life to fall into a great crime, because in the future he is no longer able to assume an attitude of spiritual pride towards his neighbours. I do not think this Bill is a great crime, on the contrary, I look upon it as a virtue; but, at all events, it will prevent the English people hereafter from being so severely critical on those of their neighbours who may think it necessary to adopt stringent measures in relation to the Press. That will be an improvement on the part of the English people in the matter of spiritual pride, for which we shall have to thank the Government. My Lords, I confess there is another subject of congratulation—which, however, has been somewhat dissipated by the speech of the noble Earl who has just sat down —in the hope, which we may be allowed to entertain, that some members of the Liberal party were awakening from the dream in which they have been so long indulging. It has been their idea for almost a generation that conciliatory and remedial measures only were necessary to the solution of the Irish problem. I trust that they are awakening from the dream. They now learn that after 100 years of that treatment Ireland is less loyal and less orderly than she was when George III. ascended the throne. The present emergency will compel them to recognize the fact, which lies at the bottom of the Irish difficulty, that in that country you are dealing with a population of a lower civilization in many points than your own, and that you cannot deal with them in the same way as with your own — that the liberty — that representative government —that the almost unbounded licence of speech and action, which is healthy aliment to our own people, is a dangerous stimulant to the social condition of the Irish nation. In this country you are content—you have long been content— only to guide; in Ireland it is essential that you should govern. Until you have learned that—until you have established it deeply in the mind of the Irish people —you will not get them to listen to your views and arguments, nor will you gain the full result of these remedial measures, which, as far as they are just, I heartily approve of. I cannot conclude better than by using the words of one who has passed from us, and who has been touchingly alluded to in the course of this debate. You must, in the words of Lord Stanley, forty years ago, when he was a Member of the House of Commons, and a Member of a Liberal Ministry — you must "teach the Irish people to fear the law before you can induce them to like it." I fear that the Government is doing the opposite thing. I fear that they have been too sanguine in the pursuit of remedial and conciliatory measures, sacrificing principles, loyal friends, and all the conditions of the Constitution in this endeavour to conciliate; and until this moment they have trod with very lagging and hesitating steps in the necessary path of executive vigour. I am bound, however, to acknowledge that this Bill is a great step in advance, and I heartily thank the Government for it.

EARL GRANVILLE: My Lords, I cannot but express my acknowledgments to your Lordships for the tone in which this debate has been conducted, and for the temperate and patriotic—even the mild manner of the noble Marquess (the Marquess of Salisbury), in which the state of Ireland has been discussed tonight. With regard to one point raised by the noble Marquess—namely, in reference to violent speeches made at public meetings, and the distinction made by the Government between its supporters and opponents—I can only say that we have shown the same degree of leniency to Protestants as to Catholics, and to Conservatives as to Liberals. In regard to the next point referred to by the noble Marquess it is unnecessary that I should say anything, because he is really answered in the speech of the noble Duke who spoke second this evening. The noble Duke (the Duke of Richmond) said that he approved of the Bill because there were at this moment special evils to be dealt with that required special remedies; and he further said that the late Government had not dealt with them in the way we proposed to do; but had suspended the Habeas Corpus Act for another purpose. The noble Marquess must undoubtedly be opposed to that view of the noble Duke's, because he argued that the Bill would only be useful as a measure against the Fenians, and that it could not do much for the suppression of agrarian outrages. Now, I must say that I am really ignorant of any clause in this Bill which the Government have introduced which will not deal with agrarian outrages as much as with Fenianism, though I cannot say with what amount of success. All the summary powers in the Bill are directed against agrarian crimes, against the carrying of arms, against being out at night, and against that Press which, though certainly Fenian in its character, has, in the most improper manner, given encouragement to deeds of violence, including agrarian crimes. On the question of the constitution of juries, also, the noble Duke opposite and the noble Marquess entertain different opinions, and it is not for me to decide between them. No doubt there is much to be said on both sides; and I should be very pleased to hear two such able advocates, as the noble Duke and the noble Marquess sitting next to him, argue the matter out between themselves. The noble Marquess has told us that he derives one great satisfaction from the Bill—and it is one peculiarly suitable to this season of Lent—in the belief that our treatment of the Irish Press will teach the English people the sin of spiritual pride, and will induce them not to be too hard upon our neighbours in Europe. Well, I can only say that if our neighbours are always able to show such good grounds for the vigour of their Executive administration as we are able to show in defence of this Bill, it will certainly be highly becoming in us to be more prudent and cautious in our criticisms. There is, however, one matter in which I cannot encourage the noble Marquess—namely, the consolation which he derives from my Colleagues and myself having, as he says, awoke from the dream that remedial measures—or doing that which is just in Ireland—must, in the long run, have a most beneficial effect. I entirely dissent from the opinion of the noble Marquess. If we have been giving remedial measures to Ireland for 100 years, that surely means, if anything at all, that we have not yet given the full extent of such legislation, and therefore I think it necessary to enter my protest against that remark. With that exception, my Lords, I would again express my sincere feeling of gratitude for the tone which has prevailed throughout this discussion. I have only to add that my noble Friend (Lord Dufferin) will to-night give notice for going into Committee on Thursday, which is the earliest possible day; and he will then, with the permission of your Lordships, move the suspension of the Standing Orders, in order that the passing of the Bill may be expedited. There will be some Amendments rendered necessary by the haste with which the Bill was passed through the other House; but they are not likely to create any opposition, and my noble Friend hopes to be able to move the third reading of the Bill on Thursday night.

The Duke of RICHMOND said, he would assist the Government to pass the Bill with all possible speed.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next; and Standing Orders Nos. 37. and 38. to be considered in order to their being dispensed with.

ECCLESIASTICAL PATRONAGE TRANSFER BILL [H.L.]

A Bill to facilitate transfer of Ecclesiastical Patronage in certain cases—Was *presented* by The Lord Lyttelton; read 1ª. (No. 55).

House adjourned at a quarter before Eight o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 29*th March*, 1870.

MINUTES.]—New Member Sworn—Elisha Smith Robinson, esquire, *for* Bristol.

Public Bill—*Third Reading*—Drainage and Improvement of Lands (Ireland) Supplemental* [83], and *passed*.

ARMY—MILITARY FIREARMS.

QUESTION.

Mr. DICKINSON said, he would beg to ask the Secretary of State for War, How many Military firearms have been sold during the past year, and how much was realized by the sale; whether he knows by whom and for what purpose they were bought, and what was their destination; whether facilities are not given by this system for providing with arms insurgents and others hostile to our own Government at home or in the Colonies, and to friendly Governments; and, whether it would not be better to render all Military weapons not required for the public service unserviceable, instead of selling them and being parties to their being used for purposes of legitimate or illegitimate warfare?

MR. CARDWELL said, in reply, that the number of military firearms sold by the War Office during the past year was 18,850, and the amount realized £4,258. The purposes for which they were bought were known to the Department. He was not of opinion that facilities were given by that sale for providing with arms insurgents and others hostile to our own Government at home or in the Colonies, or friendly Governments, beyond what were given by ordinary trade. Indeed, he was of opinion that if we had an enemy in the field against us the best thing we could wish was that they should be armed with those weapons. He did not think it would be better to render all military weapons not required for the public service unsaleable, instead of selling them; because that would diminish the price received, without conducing to the general advantage of the State.

ARMY—RIFLES FOR VOLUNTEERS.

QUESTION.

COLONEL WILMOT said, he would beg to ask the Secretary of State for War, Why rifles have not yet been issued to Volunteer Corps in Districts 6, 8, and 10, although, in answer to a Question on the 25th of February, they were promised "immediately;" when they will be issued; and, whether he is aware that any further delay will very much reduce the Capitation Grant in many battalions, and will stop the course of annual instruction in all?

MR. CARDWELL: Sir, I am sorry that the arms have not been delivered earlier; but the reason is that it is necessary to examine them carefully, with the view to substitute better ones for the old ones called in. They are now being issued at the rate of 2,000 per day, and 55,000 will be in the hands of the Volunteers before the end of April. Considering the improvements that have been made in the weapon, I do not consider that the issue of them will tend at all to diminish the efficiency of the force.

FRANCE—COMMERCIAL TREATY.

QUESTION.

MR. BIRLEY said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether our Ambassador in Paris has received instructions to make any representations to the French Government concerning the revision of the Commercial Treaty between Great Britain and France, for the mutual interest of the two Countries; and, if so, whether there is any objection to stating the nature of such representations?

MR. OTWAY replied, that no representations had been made to the French Government against an inquiry being instituted into the operation of the commercial treaty between the two countries. Such an inquiry was a matter entirely within the discretion of the French Government. The French Government had, however, been informed that we were ready, if invited, to supply a Committee on the subject with oral or written evidence, if they should require it. Lord Lyons, our Ambassador at Paris, had also been made acquainted with the views of the Government on the matter; but it was not expedient that the instructions given to him should be stated at present.

NAVY—SHEERNESS DOCKYARD.

QUESTION.

MR. PEMBERTON said, he would beg to ask the First Lord of the Admiralty, Whether men are still being discharged from Sheerness Dockyard; and whether it is true that, in consequence of the want of labourers in the yard, barges and other craft bringing stores from Woolwich are detained from eight to ten days before they can discharge their cargo; and whether, when discharged, the iron and timber stores are placed in the yard exposed to the weather, from the want of labourers to store them or stow them away under cover; and, if application has not been made from the Dockyard for more labourers for this work, and been refused?

MR. CHILDERS said, in reply, that it was true that reductions were being made, and that they would be continued; but no representation had been made to the Admiralty of any want of labour in connection with the proper storing of the large amount of timber that had recently arrived at Sheerness from Woolwich. The supply of labourers was quite sufficient to stow it away gradually, but not rapidly; and after the contemplated changes had been carried out the staff of common labourers would be 300 strong, which would be quite sufficient for all the duties required.

METROPOLIS—HYDE PARK—ROTTEN ROW.—QUESTION.

SIR HARCOURT JOHNSTONE said, he wished to ask the First Commissioner of Works, Whether his attention has been called to the still dangerous condition of the ride opposite Knightsbridge Barracks; and, if not, whether he will give instructions to have the holes filled up and levelled?

MR. AYRTON, in reply, said, he was quite alive to the great importance of keeping Rotten Row in proper order. As soon as his attention had been called to some defects on the ride he had given directions that they should be corrected. The difficulty in the matter arose from the circumstance that the surface beneath the earth could not be seen, and that the defects could not, as a consequence, be perceived. As they were discovered, however, they were removed. It should be borne in mind that the ride had been only recently re-made, and that, unfortunately, while hon. Members were in the country a considerable number of persons remained in town who continued riding up and down while the ride was in a wet state, and wholly unfit for equestrian exercise. A good deal of mischief was done in that way; but every effort was being made to restore the ride to good order.

NAVY—SCHEME FOR NAVAL RETIREMENT.—QUESTION.

SIR JAMES ELPHINSTONE said, he would beg to ask the First Lord of the Admiralty, with reference to his statement that Admiral Sir Spencer Robinson did not consent, as a Lord of the Admiralty, to the new scheme of Naval retirement, Whether Sir Sydney Dacres was consulted in the preparation of that scheme; and, if so, whether he approved of all its provisions?

MR. CHILDERS: Sir, in reference to the first part of the Question, the hon. Gentleman has not quite correctly represented what I said. I did not state that Sir Spencer Robinson did not consent to the scheme; but that in regard to certain particulars, which I enumerated, he differed from me, while he entirely approved of the greater part. As to the second part of the Question, I am authorized by my gallant Colleague, Sir Sydney Dacres, to say that he entirely and heartily approves of the scheme in all its details.

BRITISH COLUMBIA—WATER BOUNDARY QUESTION.—QUESTION.

VISCOUNT MILTON said, he wished to ask the Under Secretary of State for the Colonies, If he will lay upon the Table of the House, a Copy of such Letters, Correspondence, and Enclosures from Governor Douglas (at one time supposed to have the full title of Colonial Governor of Her Majesty's Possessions on the Pacific Coast of North America) or his Secretaries, and from the Secretary to the British Commission on the Water Boundary question, as were received by the Colonial Secretaries, warning Her Majesty's Government of the apparent intentions of General Harney, or the United States Forces, to invade a part or parts of Her Majesty's dominions on the coast of the Pacific, before and up to the year 1859 inclusive; and, why a Question, of a similar nature yesterday, addressed to the Under Secretary of State for the Colonies, upon Colonial affairs, should be answered by the Under Secretary of State for Foreign Affairs, as he the Under Secretary of State for the Colonies then stated?

MR. MONSELL: Sir, as my noble Friend desired to receive an answer from me, I put myself into communication with my noble Friend, Lord Clarendon. He has authorized me to state that it would be ascertained what Papers have already been given, and what, if any, can be added to them without prejudice to the public service. I can only repeat, in substance, what I said yesterday—that the matter, though no doubt relating to territory which, if belonging to Her Majesty, would form part of a Colony, is one which is the subject of a dispute between this country and a foreign Power, that such disputes are treated by the Foreign and not by the Colonial Office, with whom, therefore, it rests to determine whether the various Papers on the subject which they received through the Colonial Office can or cannot be laid before Parliament without injury to the public interests. In point of fact, all Papers that have been presented on the subject have been presented by the Foreign Office.

NEW ROMNEY.—QUESTION.

MR. W. M. TORRENS said, he wished to ask the Under Secretary of State for the Home Department, Whether any steps have been taken in compliance with the prayer of the Petition from certain inhabitants of New Romney, presented to this House on the 26th July 1867, in accordance with which inquiries have been subsequently made, by order of Government, regarding the municipal property of the town?

MR. KNATCHBULL-HUGESSEN said, in reply, that certain inhabitants of New Romney had asked for a charter of incorporation; but inquiry having been made in the usual manner, the Committee of the Privy Council had determined against the application. It was not usual to give the reasons upon which the Privy Council decided these questions, but the fact was that, apart from the smallness of the population of New Romney, it appeared that the establishment of a new corporation would not abolish the old corporation, who would have existed side by side with the new body, and have retained the control and management of the property.

NAVY—AFRICAN SQUADRON.

RESOLUTION.

MR. RYLANDS, in rising to call attention to the present distribution of our Foreign Squadrons, and more especially to the number of vessels now stationed on the West Coast of Africa, said, he had no wish to reflect on the conduct of the present Board of Admiralty. On the contrary, he had a strong sense of the services which the First Lord and the Secretary of the Admiralty had rendered to the country since their connection with the Department. In carrying out the recent reductions in expenditure, the right hon. Gentleman had been exposed to much annoyance, and had undertaken a painful task. It must be always painful to curtail public expenditure, and, on the other hand, it was pleasant to spend public money, and so gratify the large number of persons whose interests were served by such an expenditure. The right hon. Gentleman, therefore, deserved the thanks of the country for reductions of £1,750,000 effected, not only without diminishing, but really adding to the efficiency of the Navy. Even now, however, this year's expenditure would be considerably in excess of the expenditure a few years ago. In 1849-50 the naval expenditure amounted to £6,260,740, being £3,000,000 less than the existing expenditure. He selected that year, because in 1850 Mr. Cobden made an important Motion, and called upon the Government to reduce the expenditure considerably, reminding the House that in 1835-6 the naval expenditure was £4,000,000, or less than half the present reduced Naval Estimates. He (Mr. Rylands) would not compare this year with 1835-6; but the comparison might fairly be made with 1849-50. The great excess of the present expenditure arose in consequence of the much larger number of blue-jackets and Marines now in the service as compared with 1850. In that year the number of sailors, boys, and Marines afloat and ashore was 39,130, the Vote for wages being £1,355,420, and for victuals and clothing £538,642, making together £1,894,062. This year the number of men, boys, and Marines voted was 61,000, the wages were £2,692,631, and the victuals and clothing £968,957, making £3,661,588. Considerable reductions had been made in the cost of dockyards, victualling yards, and clothes; but these reductions were now approaching their limit, and no great impression on the amount of the Navy Estimates could be hoped for if the present force of blue-jackets were maintained. If we were to maintain our present system, the country must be prepared to pay for it. The cry for economy out of doors could not be answered unless the public were prepared to call upon the Government to withdraw from distant parts of the globe the costly squadrons that were maintained on almost every coast. The right hon. Gentleman the Member for Tyrone (Mr. Corry), when moving the Navy Estimates in 1868, put this question before the House very clearly. He said—

> "The possibility of effecting any material reduction in the number of seamen to be voted for the service of the year depended in a great measure upon the strength at which the foreign squadrons ought to be maintained. . . . . . I am quite ready to admit that, if these squadrons are useless, if they are kept up merely for the sake of giving patronage to the Admiralty, as some insinuate, or for any other such unworthy motive, then they ought to be at once suppressed;

and, if they were so suppressed, millions of public money would be saved. You would save the wages of 10,000 or 15,000 seamen, and a large proportion of the cost of building and repairing ships, and various other charges."—[3 *Hansard*, cxcii. 36.]

The right hon. Gentleman the Member for Tyrone on that occasion strongly advocated the maintenance of our foreign squadrons, which he considered the pivot upon which our whole naval policy turns; and in that respect he somewhat differed from the opinion of his Colleague the noble Lord the Member for Chichester (Lord H. Lennox), who, as Secretary to the Admiralty, in moving the Navy Estimates the previous year (1867), made an able and remarkable speech. The noble Lord said—

> "It is, in my opinion, a grave question whether the time has not come for the House of Commons and the country to consider what is the absolute necessity or advisability of keeping up large squadrons in all parts of the world of small unarmoured ships, which, when a more formidable ship than they approaches them must, what is vulgarly termed, 'cut and run.'"—[3 *Hansard*, clxxxv. 1838.]

On that occasion the right hon. Gentleman the present Prime Minister expressed his disapproval of

> "Maintaining a system of manning every part of the globe with vessels that have no force of resistance, and which, instead of being a force of security, would either have to be defended, or else run away at the first menace of danger."—[*Ibid.* 1853.]

In 1868 the right hon. Gentleman the present First Lord of the Admiralty brought the question of the distribution of foreign squadrons before the House in a speech of remarkable ability, in which he contended that they should be considerably reduced beyond the reduction then contemplated by the Government. His speech called forth some weighty observations from the present Prime Minister, who said—

> "I am glad to find that my right hon. Friend is inclined to reduce the foreign squadrons. That is a reduction which I believe ought to be made with a very strong hand; the old notion of arming all over the world being, as I believe, totally unsuited to the present state of things, and nothing more or less than a gross superstition. There is not a shadow of justification for the system in matters as they now stand."—[3 *Hansard*, cxcii. 86-7.]

The Secretary of State for War had adopted the same principle with reference to the reduction of the Army Estimates; and in explaining the means by which he reduced our Army without affecting the efficiency of the force, he said that scattered troops were a source, not of strength, but of weakness and anxiety. These arguments applied as much to the Navy as to the Army. Why should we not concentrate our naval forces at home, and so avoid the waste which arises from a scattering of power which not only does not assist in the defence of our shores, but which would be a source of danger and anxiety in case of a European war? He did not overlook the argument in favour of foreign squadrons—namely, that they were schools for keeping officers and men in training; and his reply was that the First Lord of the Admiralty had given us the alternative of flying squadrons, which maintained the efficiency of the Navy while they secured us a force which was so much in the hands of the Government that it could be called upon for service if required without the necessity of sending all over the habitable globe. He knew the Board of Admiralty was placed in circumstances of great difficulty in making reductions, and that great pressure was put upon it; indeed, it was impossible to look at the long list of officers seeking active employment without feeling that it must be a godsend to the First Lord to have foreign squadrons to which he could draught off a score or two of urgent claimants; for it must be a painful thing to have at any time to refuse active service to men who were worthy of it. But we could not keep up a costly establishment at the expense of the British taxpayer in order to find employment for patriotic officers; and we must reduce the employment if we wish to reduce the expenditure. The Foreign Office represented an influence all over the world, which, he ventured to say, had been an influence for evil. Men who wanted to back up their personal and selfish interests asked for Consuls and gunboats. The Foreign Office granted them, and the Admiralty was expected to find the gunboats. His right hon. Friend the First Lord of the Admiralty would no doubt contend, and with perfect truth, that he had already considerably reduced the foreign squadrons; but the question was, whether that reduction might not be carried much further? He admitted the First Lord had gone far in the direction of the Resolution he moved, and much credit was due to him for what he had done; but still he had not gone so far as in 1868 he proposed to go. In 1846 the number of men employed in the foreign squadrons was 12,000. The public being asleep, and the spending department awake, to use the words of a high authority, the number gradually rose, until, in 1867, it was 17,785. Great credit was due to the right hon. Gentleman opposite (Mr. Corry) for reducing that number, and the present First Lord had carried the reduction further, until the number of men now was 12,100—still considerably in excess of the number fixed upon by the right hon. Gentleman in 1868. The squadrons of the United States were much less than ours. In the East Indies, China, and Australia we had thirty-nine vessels and they nine; at the Cape of Good Hope and on the West African Coast we had fourteen vessels and they none. On the whole, they had twenty-two vessels to our ninety. We could not be expected to find vessels to protect Canada. It was unreasonable to keep up such a number as we did for the defence of the West Indies; and the Pacific Squadron, which was engaged in visiting our Consuls in a number of little islands, seemed to be entirely useless. We had been involved in a number of wars with China, brought about by the fact that we had planted in China this armed hand of force, which had caused feelings of hostility and antagonism in that great Empire. These wars arose out of keeping up a large force in China; and yet it was the people of this country, and not the China merchants, who had to pay the expense of them, amounting to millions of money. Our interference had made the name of Englishman detested in China, where an Englishman was looked upon as the representative of brute force. Though they might talk about trade, he said that in the long run trade was not promoted by these proceedings, and when it was said that the coast of China was opened up, he replied that they did not know how much might have been effected by a different policy. He had been told by a gentleman, whose name was not unknown to many Members in that House, who had been long in China, and who, at the present moment, had large interests there, that if he went back to China he would leave behind him the name of Englishman and pass under that of an American. [*Laughter.*] Hon. Gentlemen might laugh; but if they read over the China Papers presented to the House last year, they would find that the manner in which the Chinese had been treated was a disgrace to Englishmen. He would give one or two instances of what had occurred, not in barbarous times, but not longer ago than in 1868. He would call their attention, first, to the occurrences that had taken place in the island of Formosa. A British merchant having bought a lot of camphor, a dispute arose out of the transaction with the Chinese authorities. The British Consul then appeared—the representative of the Majesty of Great Britain—and because, amongst other grounds of offence, he was not treated with all the respect he conceived his due, he demanded from the poor islanders compliance with certain terms as a recognition of British rights. That was refused, and then the Consul, whose name he would mention, as it ought to be handed down to posterity—it was Mr. Gibson—called on the senior naval lieutenant commanding the *Algerine*—a suitable name—to vindicate British rights, and the result was that the town of Amping was bombarded for a couple of hours. Immediately it was dark the lieutenant entered the town, surprised the guards, shot down several of them, and in the morning, when a number of Chinese soldiers were seen approaching, he fired into them and drove them away. He then proceeded to destroy the ammunition and arms, and to blow up the magazine. From a deputation of Chinese merchants who waited on him, he required a deposit of 40,000 dollars as a guarantee, and upon that demand being agreed to, he next required a further sum of 10,000 dollars to be applied as follows—namely, one-half to repay the expense of bombarding the town and destroying the property in Amping, and the other half to be distributed as loot, or prize money amongst the officers and men engaged in these disgraceful proceedings. The House might, perhaps, excuse these proceedings on the ground that they were the acts of young men without experience and judgment; but they received the sanction of the Admiral on the station, as in the blue book would be found despatches from Admiral Keppel, in which he stated that—"Lieutenant Gurdon merited praise for the promptitude and gallantry with which he surprised the place at night." He spoke of it as a "brilliant success," and "warmly solicited their Lordships' favourable consideration of his gallant and judicious services." Even the Plenipotentiary at Pekin — Sir Rutherford Alcock—looked upon these transactions with no great disfavour, for in his despatch to the Foreign Office he said—

> "If the means adopted by Mr. Gibson were somewhat sharp and unauthorized, it would seem that they were, at all events, eminently successful, and brought all our difficulties with both authorities and people to a very swift and satisfactory termination, while nine months had been wasted in previous futile efforts by negotiations and remonstrance."

However, it was satisfactory to know that Lord Clarendon entirely condemned the conduct of these two subordinate authorities in committing any acts of hostility whatever. He considered the Consul's conduct rash and inexcusable, and that it proved him totally unfit to be entrusted with any discretionary power whatever. Lord Clarendon also condemned the conduct of the commander of the *Algerine* in requiring the payment of the 40,000 dollars as a guarantee, and of the further sum of 10,000 dollars, which he ordered to be returned immediately to the Chinese authorities. The First Lord of the Admiralty, in his speech in 1867, referred to China, and said that the main cause of the increase in the number of vessels in the Chinese seas was the fact that the British Navy were maintaining the entire police of those waters, and that he described as a Quixotic duty. In reference to that point he would give another instance to show how matters were conducted there, and it also had reference to the same gunboat *Algerine*, commanded, however, on this occasion, by Lieutenant Domville. In 1868 Lieutenant Domville fought an action with thirteen armed junks, which he chose to call piratical; and in a despatch he gave a full account of the action. After describing the efforts he made to destroy the junks, he said that at length he passed three times alongside the line of the junks and poured in grape at close quarters. It must, he added, have told with fearful effect by the yells that ensued. One vessel was injured and captured, while the others escaped into shallow water. Now, the House would, perhaps, be surprised to hear that these junks were not pirates at all, but armed trading vessels, and the captured junk was afterwards released on that ground. He was backed up by the Admiral, who spoke in his despatch of the skill and gallantry displayed by both officers and crew in engaging and dispersing a force so vastly superior, and expressed a hope that Lieutenant Domville would meet with some mark of their Lordships' approval. But, fortunately, the Foreign Office again condemned the proceeding of the *Algerine* and the conduct of the lieutenant in command. He would trouble the House with only another instance, which occurred in the same year. A party of the men belonging to the *Cockchafer* went up a creek at Swatow; the villagers were known to be hostile, and they yelled at the barbarians, as they called them, and threw stones at them. What was the consequence? The bluejackets resorted to their arms. They said they were the first attacked; but no doubt the Chinese would say the contrary. The Consul called for "summary vengeance" by means of gunboats, and the Commodore chastised the villagers. He fired into a number of the villages, and burnt several. The villagers sued for pardon, and the usual naval despatches were written. The Commodore praised the acting Consul, and the acting Consul praised the Commodore, and Admiral Keppel, as usual, came in at the end and reported the conduct of all engaged as worthy the approval of the Admiralty. The correspondence would not be complete without the notice of our Plenipotentiary at Pekin, and accordingly Sir Rutherford Alcock sent home a despatch in which he said that, although the object had not been effected without a good deal of damage to the offending villagers and many of their piratical forces, there was not much to regret, and he went on to praise the gallant spirit which had been displayed by the naval force. He was glad to say the authorities at home had condemned both the naval and consular officers; Admiral Keppel no longer commanded in those seas, and he hoped the Admiralty would take care that he had not a similar command given him elsewhere. He had alluded to the questions of trade and piracy, and he would not dwell on disputes in connection with the missionaries. He hoped they were all anxious to see the doctrines they believed, of peace and goodwill, carried to the ends of the earth; but when these doctrines were backed by gunboats, they did much to prevent the spread of Christianity. It was a serious question how they were to remedy these evils in future. On this subject Lord Clarendon, much to his honour, in a despatch to Sir Rutherford Alcock, said—

> "The active interference of Her Majesty's naval forces should only be had recourse to in cases of sudden emergency and of immediate danger to lives or property."

But these cases of emergency were to be judged of by their Consuls Gibson and Lieutenants Gurdon, as in their justification of the outrage committed on Formosa, which Consul Gibson said was necessary for the "bare existence of British subjects." And it must be remembered that in China the public opinion upon these matters was very different from the feelings entertained in this country. As an instance of this, he might refer to some proceedings which took place last year at Hong Kong. At a dinner given to Admiral Keppel on leaving, and at which the whole of the leading merchants and officials seemed to have been present, a certain English Colonel responded for the "Army." One of the China papers thus reported his speech—

> "As regarded China, he contended that the Chinese were an inferior nation, and should be brought down and shown that they were the inferior nation. [*Loud cheers.*] He strongly objected to the tampering policy followed by the present economical Government, and styled it a most pernicious policy, and a policy which would not have been tolerated for a moment 200 years ago."

The *Overland China Mail,* of the 19th of October last, spoke thus—

> "Let us say to China 'This must be done because we choose.' There is no other way of appealing to the nation. . . . What can avail but threats? We may be thankful that just at this moment the hollowness of their pretended desire for progress has become apparent. Should another war, as is most probable, occur, the peace-mongers will no longer be able to weep over the injuries inflicted upon a 'meek and progress-loving people.'"

A similar feeling appeared to animate all our officials in China. It was no doubt very well to talk of 300,000,000 backs to be clothed with English calico; but we had no right to compel men to take what they did not want. We were in danger from this state of feeling of being lugged into another war with China, and he, for one, was very much afraid of it. It was said the Chinese were so broken in spirit, so sat upon, that there was no chance of their going to war; but the feeling in Pekin was different. He would read an extract from a letter which had appeared in *The Times.* It was written by a correspondent of *The Times* in Pekin, and, judging from what they knew of the correspondents of *The Times,* they might fairly believe that the writer was a man of intelligence, on whom reliance might be placed. The correspondent, speaking of the China merchants, said—

> "The opening up of the country is their cry, 'progress' is their motto, war is their object. Trade is slack at present. It is necessary to live, and, Micawber-like, they hope for something to turn up in the general disruption it would infallibly produce. Nor is it wholly impossible that an Abyssinian expenditure in China might be to their advantage; while, at the same time, it is evident they would not have to contribute to it. House rent would go up, old steamers be chartered, and older stores find a ready market, and the Chinaman would be treated like the dog they think him to be for presuming to imagine that his own country belongs to him."

Under the present system he complained they were placing the honour and power of the British nation in the hands of people like Consul Gibson and Lieutenant Gurdon, and involving the country in all the chances of war. It might be said they could not change their policy in a moment; but they ought to proceed on the principle of concentrating their forces and concentrating the trade in China in certain *entrepôts,* and leaving those who created disputes to settle them as best they could, without backing them up by Consuls or gunboats. They should withdraw the Consuls from the distant ports, and lessen very considerably the number of their gunboats. If a man, from a love of enterprize or a desire for increased profits, chose to go beyond the region where there was a certain amount of British support and of commercial civilization, he ought to feel that in doing so he went there on his own hook, and that with the advantage of extra profits he must be prepared to take the extra risk. If an Englishman, under such circumstances, felt that he had no Consul or gunboat to rely upon, he would be much better disposed to keep the peace and be of good behaviour. The general question of the distribution of squadrons was one on which such different opinions were entertained, and such important issues depended, that he had not ventured to move any substantive Resolution upon the subject, though it was one upon which it would be well that the country should be enlightened by a discussion in

Parliament. But on both sides of the House there was such a concurrence of opinion as to the West African Squadron, that he felt himself justified in challenging a vote upon that subject. In 1867 the noble Lord the Member for Chichester, then Secretary to the Admiralty, said he should feel the greatest satisfaction if the moment should arrive when Her Majesty's Government deemed it to be consistent with the interests of humanity and the public service to modify or remove altogether the African Coast Squadron. By that means numbers of our seamen and officers would be saved from being devoured by the frightful pestilence which is so destructive on those shores. The noble Lord, till lately Member for King's Lynn, whose removal from the House of Commons they all regretted—both in itself and from the cause to which that removal was owing—speaking in 1865, said—

> "If the people of this country knew what has been and what is the waste—I do not say of money merely, but of what is much more important, valuable lives on that coast—that African squadron would very shortly be numbered with the things of the past."—[3 *Hansard*, clxxvii. 550.]

The right hon. Gentleman the Member for North Staffordshire obtained a Committee upon this subject, and though that Committee did not adopt the draft Report which he proposed, its terms were fully borne out by the evidence which was given. One passage from the draft Report ran as follows:—

> "Your Committee deprecate the needless employment of English officers and military on such a shore as costly to this country, not only by actual mortality, but by the numbers invalided in mind and body and rendered unfit for other active service. . . . The scattering of forces, both naval and military, in such parts of the world is an additional evil, which in case of general war would be of serious consideration."

No doubt the West African Squadron was established originally with the most humane and benevolent intentions; but the evil which it was intended to suppress had practically ceased to exist, and there was not sufficient trade to justify the maintenance of so large a force. The whole export trade to the West Coast, he found from the official Returns, amounted to less than £750,000. Mr. Tobin, an African merchant of high standing, was examined before the Select Committee of 1865, and stated that, supposing the slave trade were to cease, only a very small force indeed would be required to visit the different parts of the coast — nothing like the present squadron. In former years, both France and America joined in keeping up large squadrons on the West Coast of Africa. The French were bound, under a Convention, to keep up twenty-six ships; but since the Russian War these had been entirely withdrawn. The American Squadron also since the Civil War had been entirely withdrawn. Why should this country be the only Power to keep up a large naval force upon that coast? The unhealthy nature of the service had been conclusively shown in a Return obtained in 1860 by the hon. and gallant Member for Aberdeen (Colonel Sykes). From this it appeared that the number of vessels stationed on the West Coast during ten years, from 1858 to 1867, inclusive, averaged about twenty-two vessels. During those ten years the cases of sickness amounted to 33,713, invaliding to 865, and deaths to 448. The pay for ten years was £740,875, and the number of slaves captured 8,330. He gave the right hon. Gentleman the First Lord of the Admiralty credit for reducing the ships upon that station, though not to the full extent which he had given the House reason to expect. From a Return published as to the health of the Navy for the last thirteen years, it appeared that the relative proportions on the Home and West Coast Stations were—for every 1,000 of the force—at home, 1,027 cases of disease and injury, twenty-five invalided, and eight deaths; while on the West Coast the ratio was 1,966 cases of disease and injury, fifty-seven invalided, and twenty-six deaths. Efficient sailors were costly of production, and he appealed to the House no longer to allow the lives of these men to be exposed unnecessarily on this pestiferous service. The hon. Gentleman concluded by moving that the African Squadron ought to be materially reduced at the earliest possible date.

Mr. WHITE seconded the Resolution.

Motion made, and Question proposed,

> "That, in the opinion of this House, the African Squadron ought to be materially reduced at the earliest practicable date."—(*Mr. Rylands.*)

Mr. LIDDELL said, he felt bound to remonstrate strongly against the course which the hon. Gentleman opposite had taken. Nobody could have supposed, from the terms of the Notice placed upon the Paper, that the House was to be launched into a China debate without an opportunity being afforded to hon. Members of refreshing their recollections as to facts, or of preparing themselves to reply to the arguments which might be used. In the main, he agreed with the policy which the hon. Gentleman had sketched out as the right one for the House to pursue; but that hon. Gentleman had brought a heavy bill of indictment against more than one public servant and several gallant officers; and it was not fair to hon. Members that charges, which would grate harshly and cruelly upon the feelings of officers engaged on distant and arduous services, should be made in the House without the possibility of their being met in debate, unless hon. Members ventured to trust to memory, which, in cases of this kind, was often a delusive support. He complained of the course adopted by the hon. Member in bringing into debate without notice, charges against the character and conduct of officers who were absent on foreign service, and he hoped this course would not be taken as a precedent. Last year, in the debate upon Chinese affairs which occurred, almost every circumstance which had been alluded to came under the view of Parliament, and the matters were fully explained by the Minister. References were then made to the conduct of the Earl of Clarendon, and he took occasion to express approval of the conduct of that noble Earl in reference to his Chinese policy. He might also remind the House that Consul Gibson, who had been frequently mentioned in the speech of the hon. Gentleman, was removed by Lord Clarendon by a summary act of authority, which, in his opinion, his Lordship was perfectly justified in exercising. The hon. Gentleman had also alluded to Admiral Keppel and Lieutenant Gurdon. Now, Admiral Keppel was an officer who was an honour to the service, and who, if he had been so minded, might, probably, have been able to adduce evidence, derived from public documents to justify his conduct in many particulars. As for Lieutenant Gurdon, it must be a painful thing for him to have his character attacked without being able to defend it. Lieutenant Gurdon, it should be remembered, was a young officer. Now, a young officer, when called upon by a Consul to do a thing, had very little choice but to obey the summons; and all must admit that Lieutenant Gurdon performed his duty with the utmost gallantry and success. He merely referred to these matters with the view of showing the inconvenience of the course taken this evening by the hon. Gentleman opposite. The House had been already deluded by the terms of the Motion, and he had no doubt that many hon. Members had come down to discuss the question of which notice had been given. In regard, however, to the maintenance of the African Squadron, he concurred in the line of policy which the hon. Gentleman had sketched out. The hon. Gentleman had very ably and forcibly stated the reasons why that squadron should be reduced to a minimum. The policy of maintaining the police of foreign waters and coasts was a policy which, in his opinion, the House ought to condemn. We had far too long pursued that policy, which he trusted, however, a Reformed Parliament would absolutely refuse to support.

Colonel SYKES remarked that the hon. Gentleman's speech had no reference whatever to his Notice of Motion, which was headed "Navy—African Squadron." That had nothing whatever to do with our Chinese policy—the substance of his speech, which was entirely out of place on the present occasion. When, however, the subject came to be discussed, he (Colonel Sykes) would undertake to prove that all the hon. Member's statements were misapprehension of facts. For example, the hon. Member had spoken of Lieutenant Domville attacking the vessels; but the truth was that, in doing so he was acting under the express orders and superintendance of a Chinese mandarin, who was on board his gunboat. The vessels were conveying opium surreptitiously along the coast, and the mandarin knowing that very well, ordered Lieutenant Domville to attack them as pirates, which he did with distinguished gallantry. There was no failure of duty on the part of Lieutenant Domville, for everything was done in conformity with the treaty. To revert to the Notice of Motion: the loss of life on the African Station had no doubt been very great between 1858 and 1867, as the Parliamentary Returns moved for by him had shown, and the squadron was maintained at a very heavy cost, although years had latterly elapsed since a slave ship was captured. Twenty-five of our vessels were formerly kept there; but his right hon. Friend (Mr. Childers) had reduced the number to eleven. The right hon. Gentleman could not, therefore, be fairly accused of having done nothing; but, on the contrary, he was entitled to the thanks of the House and of the country for what he had done during the last two years. He should, however, like to see a further reduction, as, in his opinion, eleven vessels were not required on the African coast now that the slave trade had been abolished. All we wanted now was sufficient protection for our trade, which was much more considerable than the hon. Gentleman seemed to imagine.

Mr. J. LOWTHER, having been referred to by the hon. Gentleman who introduced this Motion (Mr. Rylands), wished to say a few words upon it. In the first place, he might mention that he himself had no intention of again bringing this subject forward, as he was quite satisfied with the assurance given last year by the right hon. Gentleman the First Lord of the Admiralty. He agreed with the remarks which had fallen from the hon. Members for Aberdeen (Colonel Sykes) and Northumberland (Mr. Liddell), that the Mover of the Resolution had travelled out of the original question, and that the hon. Member had passed strictures on the naval, military, and civil authorities of a somewhat unusual character. Whilst he agreed in the condemnations which had been passed with regard to our policy in China and other distant countries, he thought the hon. Member had hardly placed the blame on the shoulders of those who were really responsible. He ought rather to have addressed his observations to those who inaugurated the mischievous commercial foreign policy which had for so many years prevailed in this country, and not have cast the blame on those officials whose duty it had been to carry out that policy. As to the maintenance of the squadron on the West Coast of Africa, he thought the hon. Gentleman hardly laid sufficient stress upon what his right hon. Friend (Mr. Childers) said last year. The right hon. Gentleman said that in the future disposal of the squadron regard would be had to the trade of this country; but that the supposed existence of that defunct institution—the slave trade—would not be taken into account. He confessed he was strongly of opinion that the horrors of the slave trade in former days were actually caused, in a great measure, by the maintenance of this squadron, in addition to the great sacrifice of the lives of our sailors. He looked upon the entire policy of these slave squadrons as a mischievous Quixotism, and he cordially rejoiced that the reckless waste of British lives had been brought to an end. The slave trade had ceased to exist as an institution, not in consequence of the exertions of the squadron, but because there was now no demand for slaves from the West Coast of Africa. He had every reason to believe that his right hon. Friend had faithfully carried out the assurance he gave last year to the House.

Mr. MAGNIAC said, that had it not been for the extraordinary remarks which had been made on worthless authorities he should not have taken any notice of this subject; but as negotiations were proceeding at the present time, with the view of improving the relations of this country with China, he was anxious that the House should not take for granted all that had been said for the want of a specific and distinct reply. The hon. Member (Mr. Rylands) had revived an old but unfounded calumny; and because he was not personally acquainted with the circumstances of the case, he had quoted *The Times*' Commissioner and Admiral Keppel—neither of whom was qualified to speak on behalf of the China merchants—and on their authority had stated that war was the object of the China merchants, who wished to force their goods upon the Chinese. Although the hon. Member might not be aware of it, yet it was a fact that merchants were not in the habit of sending their goods into the interior of a country when a warlike expedition was being carried on, and, from an extensive experience, he (Mr. Magniac) could state that a war caused merchants to lose in one year more than ten times as much as they gained during the same time of peace. China merchants were not unknown to this House, while out of it they were distinguished for the noble manner in which, during very difficult times, they had discharged their obligations, and one of them had been rewarded by Her Majesty for the noble manner in which he sustained the lives of thousands of his fellow-countrymen. With regard to the "good behaviour" which had been alluded to by the hon. Member, he (Mr. Magniac) might inform the House that, since the date of the treaty by which British merchants with passports were allowed to travel into the interior of China, not an instance of misbehaviour had occurred, nor had there been the slightest difficulty with the Chinese authorities. That fact he had occasion to represent to the Government when he recently asked them to endeavour to obtain an extension of the privilege, to which the China merchants attached great importance, and he repeated it to the House without fear of being contradicted. This subject would probably come before the House again, when what he and hon. Members near him had stated would be fully sustained; but they did not desire to embarrass the Government in the negotiations which were now going on. He left the matter with confidence in the hands of the Government, and asked the House to suspend its judgment, except as to those statements which he could confidently allege were made in utter ignorance of the subject.

SIR JOHN PAKINGTON said, that when the hon. Member for Warrington (Mr. Rylands) gave notice of his intention to move a Resolution in reference to the squadron on the West Coast of Africa, he had no idea that it was the intention of the hon. Gentleman to cast a severe censure on the conduct of those officers who, in recent years, had been employed in the service in China. As, however, the hon. Member had spoken in harsh terms about a young officer (Lieutenant Domville, of the *Algerine*), who was nearly related to him, he asked the House to allow him to make some remarks in that gallant officer's defence. Without fear of contradiction from either side of the House, he asserted that from the day Lieutenant Domville entered Her Majesty's service to the present time he had borne as high a character for steadiness, discipline, bravery, and good conduct as any officer that had ever held a commission. His gallant relative, when a very young lieutenant, had the command of Her Majesty's ship *Algerine* in the China Sea, and with that vessel only he encountered thirteen war junks in a remarkable action, the result of which was that Admiral Keppel, under whom he served, wrote home to the Lords of the Admiralty in these terms—

> "The skill and gallantry shown by Lieutenant Domville and by the officers and crew of the *Algerine*, in engaging and pursuing a force so vastly superior, will, I trust, meet with some mark of their Lordships' approval."

He might add that Lieutenant Domville engaged those junks at the request, and with the concurrence of the mandarin, who was on board the *Algerine*, and with respect to that matter he submitted to the House that it would be useless to put a mandarin on board one of Her Majesty's vessels, in order to advise officers as to what course they should take, if those officers were not to be guided by the advice which the mandarin might give. Prior to that action, the Chinese junks had fired upon Lieutenant Domville's ship, and after the high terms in which Admiral Keppel had spoken of the engagement, the Board of Admiralty thought proper to promote Lieutenant Domville to the rank of commander. He submitted that that promotion for his gallantry was a fact which ought to shield Lieutenant Domville from anything like censure, especially when it was remembered that he had risked his life and the safety of his ship. He could not help adding a remark upon the despatch which the Admiralty sent out in March, 1869, because he thought that in that despatch there was language which endangered the contentment of our naval service abroad. He alluded particularly to these words, which were addressed to Admiral Keppel—

> "Looking to the foregoing considerations, my Lords have no hesitation in expressing their inability to concur with that part of your despatch which lays it down that, when a number of armed vessels fire on one of Her Majesty's ships on the high seas, rather than permit their papers to be examined, that act is *primâ facie* evidence of piracy."

The despatch proceeded to state that Chinese merchant vessels were, by law, entitled to navigate the high seas armed with heavy guns; but he (Sir John Pakington) contended that they were not entitled to use those guns on Her Majesty's ships. He should be glad to hear the explanation of the First Lord of the Admiralty on this point; but he submitted that it was a dangerous doctrine to say that a young officer, who was guided by a mandarin, was not to be at liberty to regard as pirates vessels which fired on him under such circumstances as those which occurred to the *Algerine*. Such a doctrine would much embarrass officers in command of ships abroad in discharge of the difficult and delicate duties which devolved upon them in dealing with the piracy which was well known to prevail in the China Seas.

Mr. BUXTON could not forbear saying, in reply to the hon. Member for York (Mr. J. Lowther), that no other nation had ever pursued such an unselfish, generous, and noble policy as that which England took with regard to the suppression of the slave trade. Although that course might not have been exactly in accordance with the principle of political economy, it had been sanctioned by some of the most distinguished statesmen which the country had produced, amongst whom were Mr. Pitt, Lord Aberdeen, and Lord Palmerston; and he was therefore sorry to hear any expressions which seemed to indicate that the present generation would not accept the policy which their fathers carried out. The slave trade might not have been abolished by squadrons on the West Coast of Africa; but there could be no doubt that it was thereby repressed, and would otherwise have attained such proportions that England would not have been able to suppress it. The hon. Member for York had said that it was the attempts which were made to suppress the slave trade which gave rise to incidents of a horrible character; but having heard that statement made elsewhere he (Mr. Buxton) had made inquiries, and had found that when Wilberforce first brought forward the subject, the condition of the slave vessels was quite as bad as they had ever been since that time. There was no doubt now that the slave trade was extinct, or all but extinct, that the reasons for the maintenance of that squadron had disappeared. Indeed, it might have been reduced, in his opinion, of late years far more than it had been, and it was, he believed, only because the Admiralty once they got into a groove were liable to remain in it that it had not more rapidly diminished. Under the energetic rule of his right hon. Friend the present First Lord of the Admiralty (Mr. Childers) a waste of money and life, which everyone must deplore, would, he felt sure, be put an end to.

Mr. C. S. READ said, he desired to join the general protest against the remarkable course which had been taken by the hon. Member for Warrington in bringing forward a Motion on a general subject, and then going out of his way to attack two gallant officers, whose names were very dear to the inhabitants of Norfolk. When officers were intrusted, in times of difficulty and danger, with the honour and the interests of Britain, hon. Members should, he thought, speak of their deeds with pleasure and admiration, rather than subject them to what must be regarded as false accusations. One of the officers mentioned by the hon. Member (Lieutenant Gurdon) was a rising young officer, who had been frequently mentioned meritoriously by his superior officer, and who was bound to obey, on the occasion in question, the instructions of the Consul, and who executed his task with ability and success. As to Admiral Sir Henry Keppel, it would be impertinent in him to say anything in defence of that gallant officer, whose distinguished career was, he felt assured, not in the slightest degree tarnished by what had fallen from the hon. Member.

Mr. CHILDERS said, he hoped the House, before he entered upon the general question which had been raised by the hon. Member for Warrington (Mr. Rylands), would allow him to dispose of some remarks which he had made with respect to our naval officers in China—the late Admiral in command of the squadron in that quarter and one or two officers of lower rank. He (Mr. Childers) must, to some extent, join in the remarks which had been made as to the inconvenience of going into particular questions affecting individual officers on general Motions. If he had had any idea of the course which would have been taken, it would have been his duty to have carefully perused the Papers, and to have ascertained precisely what were the views which had been expressed by the Admiralty; but he had received no notice on the point, and he hoped the House would, under those circumstances, excuse him if his reply, so far as the officers in question were concerned, was not so full and satisfactory as they would desire. Anyone who had read the Papers which had been published last year, could not have failed to perceive that the Government felt it to be their duty to state that they could not in all respects concur in the wisdom of certain proceedings which had occurred in China. When that judgment was challenged—and it had been, to a certain extent, challenged last year—the Government would be prepared to meet any charge which might be made in connection with it. He must, however, remind the House and his hon. Friend that the Government had by no means indulged in a general censure of the conduct of the officers engaged in the proceedings to which he (Mr. Childers) referred. As to Sir Henry Keppel—the Admiral on the station—there was no more gallant officer in the service; and it would be his duty, if that gallant officer's conduct was called in question, to be very precise in stating that, while there were some things which, as the published Papers showed, he could not endorse, he, at the same time, entirely approved the course which Admiral Keppel had taken in a great number of cases which had been brought under the attention both of the Admiralty and the public. With respect to another officer—Commander, then Lieutenant, Domville—he might observe that he had been first promoted by his predecessor in Office; that there was no more distinguished young officer in the service; and that he entirely endorsed what had been said of him by his right hon. Friend opposite (Sir John Pakington). The Admiralty despatch of the 8th of March, 1869, did not, he might add, bear at all the interpretation which his right hon. Friend had put upon it. The facts of the case were that some Chinese junks had fired on a British ship-of-war under circumstances of a very provoking character. After the junks had fired on the ship she succeeded in cutting one of them out, and it was found that the junk thus seized was a merchant vessel and not a pirate, as had been supposed. But having discovered that she was a merchant vessel, there was good reason to believe that the other junks were merchant vessels also. So that the mere fact of their having fired upon Her Majesty's ship was not *primâ facie* evidence of their being pirates sufficient to justify her on the second occasion in firing upon them, or to justify Lieutenant Domville in commencing a sanguinary engagement. That was the view taken by the Admiralty, and they accordingly issued orders that Chinese vessels were not to be attacked, or their fire provoked, unless from previous information there was no reasonable doubt they were pirates. That was the whole meaning of the despatch which was written, after the usual consultation with those who were the advisers of the Department in these matters. He had not, however, had an opportunity of referring to the Papers on the subject, and he could, therefore, only trust to his memory in giving this account. Another officer—Lieutenant Gurdon—had been alluded to, who had since been promoted to the rank of commander; and so far as he was concerned the Admiralty had felt it to be their duty also to state very clearly that they thought he had committed a very serious error of judgment—as, for instance, in having called for a ransom; but of his great gallantry and ability as a naval officer there could be no question. Though, he might add, the Admiralty refused to promote Lieutenant Gurdon at the time, he had since been promoted, and would, he hoped, long continue to be an ornament to Her Majesty's service. Having said thus much with regard to personal matters, he should, in the next place, advert to the general question which his hon. Friend had raised. No one who had heard his hon. Friend's speech could complain of the manner in which he had spoken of the original proposals which had been made by himself in 1867—proposals which had, he might say, been initiated by the statement of his noble Friend the late Secretary to the Admiralty (Lord Henry Lennox), who, in moving the Estimates for that year, though he did not provide for a reduction in this matter, yet hinted that the subject was well worthy the consideration both of the Admiralty and of Parliament. The facts of the case were that the force on the foreign stations to which he alluded—that was to say, North America and West Indies, South-east Coast of America, East Indies, Cape, and West Coast of Africa, the Pacific, China, and Australia—was, exclusive of ships ordered home, 17,400 in 1866; 17,300 in 1867; and 17,500 in 1868; giving an average of 17,400. In 1868 his right hon. Friend who preceded him in Office commenced, in accordance with his statement to the House, the gradual reduction of that force. He had not by him at the moment the Papers showing the extent to which the reduction was carried; but he believed he was right in saying that it did not go beyond 2,000 or 3,000. In 1867 he himself, sitting on the Opposition side of the House, had proposed that the strength of the force at the stations which he had mentioned should be 10,600. He stated at the time that that proposal could not, of course, be based on official information, but only on such information as a non-official member could procure, and he believed he added that he intended the reduction should be spread over a series of years. On taking Office, less than a year and a-half after, the present Government had come to the conclusion that the force should be reduced to 11,800, with the prospect of still further reductions, and at the present time they had been enabled to reduce it to 11,500, or only 900 above the number at which he had stated in 1867 it was desirable it should stand. He hoped this result would be considered satisfactory. Certainly he did not anticipate in 1867 that within three years the reductions he then spoke of would be carried out, but it had been to the extent of 900 men less than he anticipated, and he hoped before long to carry the reduction still further. Now, with regard to what had been done at the particular stations named by the hon. Gentleman, he proposed last year to bring the force on the China station down to 2,750 men, and it now stood at exactly that strength; but he had no hesitation in saying that a further reduction was not only feasible but would be advantageous. His hon. Friend had quoted expressions of his about the Quixotic idea that we alone were to keep the police of the seas. Curiously enough, the Government had quite recently received proposals from foreign Governments for combined action as to the suppression of piracy in the China Seas. Those proposals had been warmly received by the Admiralty, and the effect of them would be that the strength of our squadron there would be still further reduced. He could not say to what extent this reduction would go. We had out there a considerable force of gunboats. It would not probably be advantageous to bring them home, but their number would be diminished; they would not be replaced, and probably one or more of the larger ships would also be withdrawn. At any rate, the reduction of the China Squadron had reached the point he anticipated, and would still go on. On the East Indian Station we had a larger force than he anticipated last year, for reasons he explained the other day; but an arrangement had been made with the Indian Government, under which they would contribute £70,000 a year, being the cost of 400 out of the 1,200 men kept there. He was sorry to say that there was an additional source of expense on that station, for on the East Coast of Africa the slave trade was rapidly increasing, and an increased force was required to keep it down. This was not, however, the time to go into a question on which more would be known shortly, and Papers relating to it would have been placed before Parliament; but undoubtedly this cause led to an increase of force on the East Indian station. On the Australian Station they had kept their word, and the reductions which he previously announced had been made; but there again, as the House would remember, a very nefarious traffic had sprung up in the South Seas in connection which the deportation of natives, and a vessel would be put upon the station during the fine weather season to assist in putting an end to this traffic. This would temporarily add one vessel to the force which would otherwise be necessary upon the station. With respect to the North American Station, his hon. Friend said the Government no longer wished to incur much expense on account of Canada, while the loss of life in the West Indies rendered that a calamitous station. No person could be more alive than the Government were to the inexpediency of an unnecessary detention of Her Majesty's ships in West Indian waters; the tendency to yellow fever and the loss of life on the station made the Admiralty most anxious to keep down the number of ships in the West Indies. But owing to the serious disturbances in Cuba and Hayti, it had been found impossible to make the reductions that might be desired in these waters; while in the North it was not merely a question of defending Canada, for while technically Canada was part of a dominion that reached the sea, it could hardly be called a maritime colony. But we have serious duties in connection with the fisheries on the Newfoundland Coast and elsewhere, and it would be ill-advised, and, indeed, impracticable, in the present state of things, unduly to diminish our naval force in North America, at any rate during the fishing season. On the Pacific Station and South-eastern Coast of America, our force had been very greatly reduced. He had anticipated that it would be possible to bring down our force on the South-east Coast of America from 1,100 to 800; but it had been brought down to 550, and on the Pacific Coast it had been reduced from 2,700 to 1,800, or 150 less than he stated last year it was intended to keep there. In all these cases, therefore, the reduction nearly came up to his suggestion in 1867, and was larger than he proposed in 1869. He now came to the West Coast of Africa, and he was much obliged to his hon. and gallant Friend (Colonel Sykes) for pointing out that upon the figures quoted by his hon. Friend (Mr. Rylands), he had more than fulfilled his promises last year. The squadron on the West Coast of Africa used to be separated from the Cape Squadron, and the result was that the men employed on the West Coast had not the advantage of being able, after a certain amount of service in that fearfully hot climate, to go to cooler quarters, unless the ship came back either to the Mediterranean or to this country. The Admiralty had made a beneficial change by combining the two stations, and vessels might now, after short service in the West Indies, be sent to a cooler station in the neighbourhood of the Cape. That change caused some additional expense by increasing the number of men and ships; but the effect upon the health of the crews was a beneficial one, and in the long run it was an economical change. The combined squadron now consisted of two corvettes, five gun-vessels, which acted as cruisers, three stationary ships, a paddle-steamer used for transport service at the Cape, a small steamer used for river purposes, and a store ship. The line of coast from the Gambia down to the Southern Tropic, over 2,000 miles long, was kept by only three cruisers and one senior officer's ship. He did not think it possible to do less in the present state of things, though it might eventually be possible to reduce the force by one ship; but, meanwhile, the effect of keeping only these ships in the hot weather part of the station, and two cruisers and one senior officer's ship in the cool weather station, added greatly to the health of the officers and men. To accept the Motion would be to say that it would be possible to look after British interests along the line of coast he had mentioned with less than three small gunboats; but he thought the House would hardly be inclined to say that the existing force was too large. He should deprecate, therefore, the adoption of the Motion. At the same time, he was quite prepared to give this assurance. There was no one who was more anxious than he was to reduce the West Coast Squadron to the smallest possible extent, and he would leave no stone unturned, no effort untried, to reduce it within proper compass. He thought he saw his way to a still further gradual reduction, and after this assurance he hoped his hon. Friend would not press the Motion.

MR. RYLANDS said, that after the statement of the right hon. Gentleman, he should not trouble the House to divide; but, at the same time, he wished to say that he did not think he was liable to the charge which had been brought against him in reference to what he had said as to certain officers employed on the China Station. He had simply quoted the facts as he found them in the blue book which was issued last year, and he had not meant to make any personal attacks upon individuals; and, upon the wide terms of his Motion, he thought he was quite justified in pointing out that our naval operations there were sometimes detrimental to the interests of the country.

Motion, by leave, *withdrawn.*

TURNPIKE ROADS.—RESOLUTION.

SIR GEORGE JENKINSON rose to call attention to the hardship and injustice inflicted on the Ratepayers of certain parishes by the present system of partial abolition of Turnpikes, and to move a Resolution on the subject. The hon. Baronet said, that the grievance to which his Motion referred had been so often and so fully debated that he would not weary the House with going over the old ground. It was a subject upon which numerous Committees had sat, and upon which many valuable Reports had been drawn up. He need not travel into those Reports, for they were familiar to the House, and, at all events, were easily accessible to those who wished to consult them, and it was a remarkable fact that they all concurred in the opinion as to the expediency of the abolition of toll-gates. His sole object at present was to state the grievance which was inflicted upon parishes of providing the cost of maintaining the turnpike roads of which the trusts had expired. In the month of October, in the year 1866, the question was, for a second time, brought by him under the notice of the quarter sessions of his own county, Gloucestershire, and the following resolution, moved by the Earl of Ellenborough, and seconded by the Earl of Ducie, was unanimously passed:—

> "That having taken into consideration the grievance arising from the present management of the roads and the expense that will be thrown upon certain parishes by the partial and immediate abolition of tolls in certain districts, we respectfully desire to press upon the Government the necessity of giving their attention to the whole subject, with the view of submitting to Parliament some wise and general scheme of abolishing tolls."

Since that year another Committee had sat upon the subject of toll abolition, and in their Report they acknowledged the hardship of the case he was submitting to the House. That Committee were of opinion—and he shared their belief to the full—that as the diminution of tolls and a consequent divergence of traffic increased, the evil of which he was complaining also increased, and the means for meeting it diminished. Furthermore, the Committee were of opinion, that although the present turnpike system was arbitrary and unsatisfactory, still, in the present state of the highway laws, to abolish turnpike tolls until the trusts became free from debt would only be throwing a new and heavier burden upon the parishes that were to maintain the roads, unless some legislation took place which would adequately and fairly provide for the payment of the charges for which the individual parishes through which such turnpike roads passed would now alone be liable. What he wished specially to impress upon the House was, that a very great evil was caused by the partial abolition of tolls. It was quite impossible to reimpose tolls that were once taken off. It was equally idle to expect to remove the evil by a gradual decrease. If the grievance was to be removed at all it must be by a total and simultaneous abolition of all tolls; because unless they could reimpose all turnpike tolls that had been taken off—and to do which was of course utterly out of the question—they could not hope to go back upon or diminish the evil. In the year 1868 the hon. Gentleman the Under Secretary of State for the Home Department (Mr. Knatchbull-Hugessen) wrote a letter upon this subject, which so completely expressed his own views, that he would read from it one or two sentences. That hon. Gentleman said—

> "If no legislation takes place within the next twelve years, the great majority of the trust Acts will have expired, and unless renewed at great expense, the trusts will come to an end, and the repairing of the roads will fall upon the individual parishes in which the roads happen to be situated. . . . . Within the last eight years a great many Acts have expired every year which has tended further to complicate the system, and the promoters of the present Bill believe that the time has come when a general measure to provide for the gradual abolition of turnpike trusts upon an equitable principle should be introduced."

Those opinions were expressed by the hon. Gentleman when he was in Opposition; and he (Sir George Jenkinson) now begged to ask how it was, seeing that the hon. Gentleman was now a Member of the Government, that no legislation had been attempted to remedy the evils complained of? He was quite aware, in the present circumstances of Ireland, that it was a very difficult thing to hope for any legislation upon an English subject, more especially if it related to agriculture; but, at the same time, he could not help expressing the opinion that the time had come for the question to be taken up. He would briefly explain the manner in which the grievance he was talking of pressed most harshly. One highway district in his own county was made up of thirteen parishes, and there were twenty-four miles of turnpike road, which fell only upon certain parishes of the district. Only seven of the parishes out of the thirteen, in fact, actually paid for the maintenance of these roads, at a yearly aggregate expense of £584 10*s.*, which increased their rates to the extent of 1*s.* 6¼*d.* in the aggregate or 2½*d.* in the pound upon the rates of each. That, it would be admitted, was a very hard case, for there were six parishes which also used the roads that paid nothing towards their repair. That was one strong reason why he anxiously desired to see an alteration of the present system. Complaints were made that the Turnpike Act did not work well; but the reason of that was that the application of the Act was partial instead of universal. Failure was the fate of all permissive legislation. As long as men—and especially farmers, knew that a law was absolute and must be adhered to they obeyed it; but if they knew the law was permissive they would not fulfil what they disliked. One word with respect to the working of the Highways Act. It appeared that 208 districts had reported favourably respecting its working, ninety-nine had reported unfavourably; thirteen had been formed too recently to give an opinion; and twenty-one had given in no report at all. It was, therefore, unfair to say that this Act had not worked well, seeing that so large a preponderance of districts had reported in its favour. The surveyor of his own district referring to the working of this Act said, with reference to the expense, that that included £120 for improvements, of which five-sixths would never have been effected under the old system, and had been forced upon the parishes in the interests of the public generally. He considered that was good testimony in favour of the Highways Act. Good roads were a great desideratum, and the highway boards had increased the goodness of the roads, although it was true that they had also increased the expense. He might be asked what remedy he would propose. He would propose something like the following:—Wherever the Highways Act is in operation, and wherever within such a district the cost of maintaining any turnpike road of which the trust is extinguished has been thrown or may be thrown upon a particular parish through which it passes, the expense of maintaining such a turnpike road shall be borne by a rate to be paid proportionately by a common charge upon all the parishes within the district, instead of by the parish through which the road passes. He had not inserted such a proposal as this in the Resolution he had moved lest it might not be agreed to; but he thought that anything which would make the adoption of the Highways Act more universal would in itself be useful. He believed that the remedy he proposed would do more than anything else to reconcile the country classes generally to the Highways Act if they saw that the Act would make the expense of turnpike roads of which the trusts and tolls might be a bolished, would fall equally upon the whole district, instead of upon the particular parish through which such turnpike road passed. Another point which he wished to impress upon the House was the excessive partiality which trusts out of debt seemed to have for amalgamating with trusts that were heavily in debt. In his own district, for instance, there were, as he had stated, twenty-four miles of road to maintain. But on the other side of the turnpike road between them and the railway was a trust which was entirely free from debt. Now the one that was out of debt, for the purpose of keeping up the staff of the trust, actually amalgamated with another trust which was £2,000 in debt. He called that nothing else than robbery of the ratepayers of the parishes which had already paid off their debt. That was one part of the subject demanding the most careful consideration. He should have no objection to see the county made the area on which to place the cost of the highways, and with respect to a proposal previously made by him to place a portion of the cost for the maintenance of the turnpike roads and for the payment of the debt on the Consolidated Fund, though he agreed in a remark which had been made regarding it, to the effect that it was easy to apply to the Consolidated Fund, but not so easy to get the application attended to; still, he conceived that after turnpike roads had been made to their present extent, and used in days past for Imperial purposes, some slight assistance might be afforded from the Consolidated Fund as to the future maintenance of those turnpike roads—with regard to their present width—and looking to them as the main arteries of the road communications of the country. He would not meddle with this point, however, because it was mixed up with the larger question of local taxation. But he would urge the Government to consider the very great grievance which he had brought under their notice, and to provide some machinery for relieving particular parishes through which turnpike roads passed from the whole cost of maintaining them, while other parishes, equally benefited by them, paid nothing.

He trusted the Government would take a favourable view of what he had urged. The hon. Baronet concluded by moving his Resolution.

Mr. SCLATER-BOOTH, in seconding the Motion, said, he was glad of the opportunity of calling upon the hon. Gentleman opposite (Mr. Knatchbull-Hugessen) to fulfil the natural expectations that were entertained that he would, as soon as he assumed the responsibilities of Office, legislate on this subject in the spirit which he had advocated whilst sitting in the cool shade of Opposition. That hon. Member had proposed a Bill upon the subject in the year 1868. In introducing that Bill he had declared that the question was a very pressing one, and if the remark was true at that time, it was surely doubly so now. He (Mr. Sclater-Booth did) not so much complain that the Government had refrained from introducing a Bill for the abolition of turnpike tolls as that they should not have brought in a measure for extending and amending the Highways Act. The House would agree with him that this latter question was a very pressing one indeed. The hardship complained of was one that was increasing year by year, and as the various turnpike Acts had not many years to run, if a remedy were not soon provided there would be no remedy at all. Parliament would not go back when turnpikes were abolished and relieve parishes from the burdens to which they had become liable by the common law of the country. He hoped, therefore, that the Government would speedily introduce a short Act for the compulsory adoption of the Highways Act. He would not enter into the question of the policy of that Act, because it was one which he did not approve of. He thought that the maintenance of the roads might have been provided for by the parishes to which they belonged, under the administration of some machinery such as a county inspector. Spite of all protests, it had pleased Parliament to pass the Highways Act, and that having been done, he held that the Act ought to be made compulsory in all counties, and a district rate substituted for the parish rate. If Government would take some such step as he had hinted at a great deal of hardship would be got rid of, and future legislation on the subject would not be prevented. He hoped that this would be done.

Motion made, and Question proposed,

"That, in the opinion of this House, the present system of providing the cost of maintaining the Turnpike Roads of which the Trusts have expired is unjust, and inflicts great hardship on particular parishes, and in all such cases where Tolls have been or may hereafter be abolished, the area from which the cost of maintaining such Roads is levied ought to be extended, and should not be limited to those parishes only through which such Roads actually pass; and furthermore it is incumbent on the Government to take steps, with as little delay as possible, to provide a remedy for the injustice and hardship referred to."—(*Sir George Jenkinson.*)

Lord GEORGE CAVENDISH, having been a member of the Select Committee which considered this subject, and which placed on record their opinion that the present state of things was exceedingly unsatisfactory, expressed his opinion that the present was an opportune moment for the moving of the Resolution of the hon. Baronet. There was, no doubt, a grievance to be remedied, and he trusted that would be done, if not this, at least next Session. Two other matters, he thought, also ought to be taken up at the same time—namely, the question of the desirability of removing the exemption from rates of property which at present enjoyed that exemption, and the question of local taxation and its incidence. These matters would have to be considered, because when they came to consider the question of abolishing tolls, a serious question would arise, not as regarded the maintenance of the roads, but the payment of the debt. It appeared to him that the system in Scotland was preferable to that in England, for in Scotland, while the maintenance of the roads was divided between the owner and the occupier, the rates for the payment of the debt were thrown entirely on the owner. With respect to the maintenance of the roads in England there would not be much difficulty, because if highway districts were made throughout the country, then with great fairness these rates might be thrown on them. He hoped when Government took up this question they would take a large and thorough view of the whole matter. On looking back to the Reports of some of the Committees of both Houses on this subject he found an expression of opinion that public roads were not established on any principle, and that many which were now turnpike roads should be treated as parish highways, and many highways as turnpike roads. This he found in the Report of the Duke of Richmond's Committee in 1833. No doubt, the ratepayers in some places were very averse from any legislation on the subject or any extension of the highway districts; yet, when they considered that it was a large question, dealing with roads all over the country, they might become reconciled to it, and the system would work much better.

MR. HENNIKER-MAJOR said, he might, perhaps, be allowed to make a few observations on the Motion of his hon. Friend, as he was a Member of the Select Committee which sat upstairs on this question last Session. He quite agreed with the Motion, for it coincided with the Report of the Committee. A great quantity of evidence was brought before them, and it certainly showed the evils of the present system of dealing with turnpike trusts; it showed also the great necessity there was for a general measure relating to roads—a measure to deal with the whole question of the maintenance of all roads in the country—including turnpikes. It had led them to the conclusion that the hardships on parishes in many instances were very great under the present system, that it largely increased the rates — very often in maintaining roads that were of little use to the parishes themselves. The hardship would be particularly felt in manufacturing districts in agricultural parishes between large towns where there was a mineral traffic, which, but for the tolls, would pay nothing towards the repair of the road. In purely agricultural parishes, too, these roads, laid out originally for national rather than local purposes, were often not wanted for parish roads. If they were the hardship was not so great; but, even if they were required, they were not wanted beyond the usual width, 30 feet; still they had to keep them up to the full width, 60, 70, and 80 feet, and sometimes more. This, surely, was an unnecessary burden to throw upon the rates. Then, again, the very same parish had, perhaps, to keep up a road on the other side of the parish for public traffic to a railway station—traffic that had been diverted from the very road they were required to keep up to the full original width. There was no necessity to go into any evidence on this point, a passage from the Report of the Committee would show the House the conclusion they came to after full consideration of the evidence—

> "The evidence brought before your Committee has led them to the conclusion that, although the present turnpike system is vexatious in its mode of collection, in many cases costly in its management, as well as arbitrary and partial in its operation; still, in the present state of the highway laws, to abolish turnpike trusts singly as they become free from debt is a course often attended with injustice to the parishes on which the liability for future repairs falls, and one which, in some instances at least, leads to the deterioration of the roads. A new and heavy burden is frequently imposed on the ratepayers of the parishes through which the road passes, without relieving them from the obligation of paying tolls on other trusts in their immediate neighbourhood."

He, however, objected on another ground—the increase of local taxation to such an extent—particularly when the whole subject was about to be looked into. Fifty-three trusts would fall on local rates this year in June; and every year, in the same way, some would fall on them. He regretted that the Government could not bring in a Bill this Session, even if it were only laid on the Table of the House for consideration, as an earnest that they intended to take the matter up as soon as it was possible to do so. No doubt a good reason for delay for one year was the hope that a measure of this kind would be made a part of a general measure on the subject of a local taxation; but he hoped it would not be delayed beyond that time. Meanwhile, he trusted that as few turnpike trusts as possible would be abolished. He hoped that a general measure, dealing with all roads, would be brought in, for it was impossible to deal satisfactorily with the question by piecemeal legislation. It was with the idea that a measure would be brought in this Session, at all events with as little delay as possible, that the Committee drew up their Report, and under these circumstances he thought that either the large majority of the trusts ought to be continued in view of a general Road Bill, or that the Committee should be re-appointed. His hon. Friend the Under Secretary for the Home Department might think he wished to interfere with the powers of the Home Office. Such was not his wish. The Committee was originally appointed to avoid the practice of bringing in the Continuance

Bill at the close of the Session, when no one paid any attention to it, and he thought that if only for that reason it ought to be re-appointed. At all events, he hoped the Government would come to some distinct understanding with the House on the subject.

Mr. BEACH said, the peculiar circumstances of some of the roads rendered it impossible to deal with the trusts except by means of a general measure. The Committee tried to deal as fairly as they could with various trusts; but some it was impossible to keep up for any reason whatever. There were cases where the salaries of the officials ate up the collection; and the trusts were kept up for no other purpose that the Committee could discover. In some of the cases the trusts were out of debt; and yet there was the clerk, there was the surveyor, and there was the treasurer. The Committee put an end to the existence of these cases as soon as possible. There were others in which there existed the slightest possible reason for keeping up the trusts. In these instances they assigned a special term to their existence—they were put in the Schedule for a certain period and no longer. But a general measure was wanted on the subject. It would be unjust, however, to throw the expense of the roads on the radius of the parish, since another parish might run side by side with the road and use it, without contributing to the expense of keeping it in repair. One of the faults of the present road system was that the Highways Act was not made compulsory. He was not an advocate for that measure when it was first passed; but he thought the only reason which prevented its success was that its operation had not been uniform throughout the country. If carried out on an extensive, uniform system it would, no doubt, prove more successful. He hoped the Government would deal with the question. They should not confine the expense of the roads to a narrow area; the area, in his opinion, should be the whole county. The roads should be divided into different classes, and rules and regulations laid down for the maintenance of each class. That system existed in France, and was found extremely successful. It was unfair to throw the rates on one species of property; contributions should be made from the community in general towards extinguishing the debt and maintaining the roads.

Mr. KNATCHBULL-HUGESSEN said, he was in the fortunate position of being able to agree with nearly every word which had fallen from the previous speakers. He had been reminded by his hon. Friend the Member for Hampshire (Mr. Sclater-Booth) and other hon. Members that when he was in "the cold shade of Opposition" he had brought in a Bill dealing with this subject, and that now he was a member of a powerful Government he ought to do the same; but it did not follow that the same freedom of action which he then possessed was now within his reach, for upon the Treasury Bench a man got into an atmosphere where Irish Church Bills, Irish Land Bills, and other measures jostled one another, so that a measure even of the importance of a Bill dealing with the turnpike roads of Great Britain was obliged to be postponed. The hon. Baronet (Sir George Jenkinson) had stated very fairly that there was a hardship to parishes under the present system, and he wished that the area of taxation should be enlarged. He quite agreed in this. The only fault he saw in the Motion of the hon. Baronet was that perhaps it did not go far enough, and hon. Gentlemen who had urged upon the Government propriety of action were probably not aware they were using his own thunder. As far back as 1867 he had suggested that the best and simplest solution of the question would be to make the Highways Act of 1862 compulsory, and to put the repair of the whole of the roads of the district on the common fund of the highway district, where such existed, as a general rule. Parochial management of roads was a system of a bygone age. At the same time he admitted that there might be cases when, for instance, roads had been formed for Imperial purposes, or were subject to exceptional through traffic from one great town to another, or formed a route for mineral traffic, (the owner of the minerals contributing nothing to the rates) in cases such as these the roads perhaps might fairly be classified and dealt with in some other manner than by the machinery of district rates. As a general rule, all roads should be repaired by a district rate; but certain other roads of an exceptional character should be repaired by a wider area. But which were those roads? He would devolve the task of making the selection on a County Financial Board, properly constituted, with an appeal, if this were thought desirable, to the Home Secretary. His hon. Friend opposite (Mr. HennikerMajor) had expressed a wish that the Committee of last Session should be re-appointed; but, it should be borne in mind that it had been appointed for a special object, a sort of promise having been given by the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) that the question of the manner of dealing with turnpike trusts should be looked into by some authority outside the Department. That Committee investigated a great number of cases, and he believed in every instance their recommendations had been adopted. Those trusts of which the non-continuance had been recommended by the Committee were invited by circular to assign any special reasons for their continuance, in default of which they would be discontinued; but he did not think, unless the Committee were disposed to undertake a new and very much wider field of inquiry that their revival this year would be attended with advantage, or that from their inquiries any principle of general application would be evolved. He was inclined, on the contrary, to believe that the matter might be safely left in the hands of the Home Office, whose full intention it was to introduce a general measure as soon as the pressure of other business would allow. A new Road Bill, embracing turnpike roads and highways, was wanted, and he had prepared and sketched out a scheme, which he thought would sooner or later become the law of the land. He thought it was the duty of the Government in all these matters to settle, after due consideration, what was desirable, and then, the Parliament having given it their sanction, the whole community should be called on to obey it as part of the law of the land. To make the Highways Act compulsory would be fair and just, and he regretted that this was not done when it was passed. If the hon. Baronet would omit the last clause of his Resolution, he would relieve him (Mr. Knatchbull-Hugessen) from the necessity of opposing any part of the Motion. His right hon. Friend the Home Secretary would, no doubt, bear him witness that he had given him no peace upon the subject, but had continually pressed for leave to deal with the subject. He was glad that the discussion had taken place, because it had shown an amount of agreement as to the principle on which the new measure should be framed.

MR. SCOURFIELD said, he could fully understand the great difficulty which anybody had to encounter in proposing to deal with turnpike roads. This present Resolution, however, called attention to a limited and specific grievance; whereas Motions upon this subject generally contented themselves with confirming the expediency of abolishing turnpike roads, without providing any remedy acceptable to the country. Nothing was more easy than to obtain a general concurrence of opinion that a certain tax should be taken off; but when they came to the means they by no means found the same kind of unanimity. He had interested himself in the subject of roads for more than twenty years, and he would be very sorry to affirm positively in the House a Resolution that, under no circumstances, should tolls be maintained. Nothing was fairer than tolls in principle, because by them people were made to pay for what they used; but rates fell upon all, on the assumption that, in some mysterious way, all were benefited by the roads. Looking at the gigantic frauds of the last twelve years, he could not help thinking that the maintenance of tolls might be very useful as a memento to people that they must pay for what they used; but the difficulties surrounding the subject were such that no apology was needed from the Government for not rushing into it.

MR. M'LAREN said, the grievances attending the turnpike trust and toll system were as great to the north as to the south of the Tweed. He had been one of the Royal Commissioners appointed to inquire into the system, and could testify that no species of taxation operated more injuriously. The towns, which paid the great bulk of it, were excluded from all control over the administration of the trust, and renewal Acts were passed from year to year. The trustees could not venture to apply to Parliament for a real renewal, because more liberal constitutions would be framed by Parliament for the protection of the public. Although the trust for the county of Edinburgh had expired several years back, no steps had yet been taken to remedy the state of things which had grown up under it, and which was perpetuated by this sleight-of-hand Act of Parliament passed every year. The proper course was to say to those who applied for the benefit of this Act—"Prove your case before a Committee of the House of Commons, and if you can make out a good case, you shall have your Act renewed for once and for all; if not, it must cease." The present method of managing the roads in Scotland was unconstitutional, and should not be continued. The principle of the Resolution would meet with the hearty support of a great majority of the people of Scotland.

Mr. G. B. GREGORY said, he had heard with satisfaction the statement of the Under Secretary of State on the question; but he thought it only right to warn the hon. Gentleman that when he did come to deal with that question, he must face the question of Imperial taxation as connected with it. Public highways were not so much a matter of local interest as of the general benefit and advantage of the entire community, and should be maintained accordingly.

Sir GEORGE JENKINSON, in reply, said, with regard to one remark made by the noble Lord the Member for Derbyshire (Lord George Cavendish) he wished to say that his Motion had only reference to places where debts had been paid where the trust was extinct, and the Highways Act had been adopted. He certainly thought those localities where the Act had been adopted, and where turnpike trusts and tolls had been since abolished, were entitled to some indulgence at the hands of the Government. With regard to one remark of the hon. Gentleman the Member for Suffolk (Mr. Henniker-Major), who objected to piecemeal legislation, he begged to say that the whole course of legislation with regard to turnpike roads at present was piecemeal, including the annual Continuance Act, and it was to meet that evil that he had put forward his Resolution. He took exception to the statement from the Treasury Bench expressing a disposition to put upon a whole district the charge for maintaining the parish roads, because this would make the thrifty parishes pay for the careless, and those parishes whose roads were in the worst state would have them put into a good state at the expense of their neighbours. He desired to see a general rate for the whole of the turnpike roads of which the trusts had expired levied on all the parishes of any highway district. He would gladly accept the offer made by the Under Secretary for the Home Department, and would withdraw the last few words of his Resolution.

Motion, by leave, *withdrawn.*

Resolved, That, in the opinion of this House, the present system of providing the cost of maintaining the Turnpike Roads of which the Trusts have expired is unjust, and inflicts great hardship on particular parishes, and in all such cases where tolls have been or may hereafter be abolished, the area from which the cost of maintaining such Roads is levied ought to be extended, and should not be limited to those parishes only through which such Roads actually pass.—(*Sir George Jenkinson.*)

CONVENTUAL AND MONASTIC INSTITUTIONS.

MOTION FOR A SELECT COMMITTEE.

Mr. NEWDEGATE said: * On introducing the Notice which stands in my name, I wish to request that, in the last line but one, the words "have been acquired and," should be omitted so as to leave the word "are" in the same line; the Notice would then run—

> "Select Committee to inquire into the existence, character, and increase of Conventual or Monastic Institutions or Societies in Great Britain, and into the terms, upon which income, property, and estates belonging to such Institutions or Societies, or to members thereof, are respectively received, held, or possessed."

Sir, I desire that the Notice should be altered in this respect, because I have been told that an inquiry into the manner in which this property has been "acquired" would be considered invidious; my object is a genuine object—it is an object in which I am supported by a great number of persons out of this House, who have testified their concurrence by Petitions which have been presented to the House by myself and other hon. Members. My object is the same, in a great measure, as that which I pursued in the last Session of Parliament; and perhaps I may be allowed to advert for a moment to what occurred on two occasions, when I brought this matter under the attention of the House. On the 26th of February last year I moved for the appointment of a Committee to inquire into the operation of the Roman Catholic Charities Act, as it is termed, which was passed in the year 1860, and also into the operation of the Burials Act, which was passed in the year 1864. The Roman Catholic Charities Act of 1860 was originally proposed by my late lamented Friend Sir Charles Jasper Selwyn. He had made some progress with the Bill when, as I well remember, the late Sir George Lewis, being then Home Secretary, came across the floor to this Bench, and said to Sir Charles Selwyn—"I rejoice at the progress you have made. The purport of your Bill is exactly the same as the object which I have in view with reference to Roman Catholic charities; and if you will permit me to take up the measure, as Home Secretary, I have no doubt that we shall be able to pass it into law." Sir Charles Selwyn cheerfully acquiesced, rejoicing at this manifest concurrence on the part of Sir George Lewis; in this he was supported by Sir William Bovill and other Members of the House, including myself, and eventually the Bill became law. Well, Sir, what was the necessity for this legislation? It arose after a long and careful previous inquiry, the movement for which was originated as far back as the year 1818, by the late Lord Brougham. This movement was renewed in the year 1835, when Parliament at length determined to investigate the condition and to regulate the application of all charitable property. In the year 1843 a Committee was appointed to inquire into all charitable property, especially that which belonged to Roman Catholics in Ireland. That Committee reported, and in 1844 what is called the Bequests Act passed, and that Act, amended by subsequent statutes, has regulated the charitable property of Roman Catholics, including their places of worship, and other places connected with their religion, ever since. Under that Act a Board was established, which was empowered to record the nature of the trusts under which this property was held; in fact, the Board became a party to all trusts holding such property; the principle of that statute, and the system of administration which it established, have worked most satisfactorily. In the year 1851 this House decided that a further inquiry should be undertaken with respect to all charity property in England; all properties given or bequeathed for charitable and religious uses, except those held directly by the Church of England, an inquiry into which has been otherwise provided for by the appointment of the Ecclesiastical Commission. The Committee of 1851-2 was specially appointed to inquire into the law of Mortmain, as to how far it might be found necessary to alter the statutes declaratory of that law, and in what respects these statutes needed improvement or development of their provisions, and whether it was desirable to modify their provisions so as to render the continuance of those charitable institutions generally, including such as belonged to the Roman Catholic body, more advantageous for the future—one great object to be attained being to bring all property connected with charitable and religious objects within the purview of the English law, so that the administration of all such property and all legal questions connected with that administration, should be brought into the courts of this country, instead of the parties interested in Roman Catholic charities being induced or forced to resort to the courts of the Papacy at Rome for the decision of matters in dispute, arising out of such property in this country. Because, in consequence of what are in law termed "superstitious uses" being connected with these Roman Catholic trusts—such as bequests directing the application of the proceeds of real property, and legacies to payment for perpetual prayers for the dead, and such other offices of the Roman Church as the law of England has declared to be "superstitious"—the greater part of that Roman Catholic property, if not the whole of it, was held under secret trusts; and owing to those trusts being secret from the law of England, though in accordance with the laws of the Papacy, the persons who were interested in that property were driven, contrary to the principles of many ancient statutes of this realm—the Act of Richard II. against provizors, and the like—for decision, in cases of difference, to the Courts of Rome. The Mortmain Committee made their Report in 1852, and in the year 1853 the Government of Lord John Russell took this matter out of the hands of the hon. and learned Member for Newcastle-on-Tyne, who had been the Chairman of the Mortmain Committee, and undertook to legislate not only for the Roman Catholic charities, but to propose a general enactment, which should empower a Commission — the Charity Commissioners—to aid in and control the administration of all charitable property, whatever the denomination to which it might belong. The Bill for this purpose had made considerable progress. It came down from the House of Lords, and had passed the second reading in this House, when suddenly there arose among the Roman Catholic Members of this House a stern opposition to such of its provisions as included Roman Catholic property. Little reason was given for that opposition, and few arguments were used; but a positive demand was made that property held for Roman Catholic charitable purposes should be exempted from the authority of the Commissioners to be appointed under the clauses of that Bill. With the permission of the House, I will read a few words which were spoken by Sir Frederick Thesiger—now Lord Chelmsford—on that occasion, and which express the feeling of at least a very large minority in this House; for, notwithstanding the exigency in which the Government found itself placed, this House was scarcely persuaded to allow the separation of Roman Catholic charitable property from the charitable property of other denominations, so far as the authority under which the administration of such property was to be regulated was concerned. In fact, this separation extended to the total exemption of the whole of the Roman Catholic charitable property from the authority of the Commissioners, who regulate the charitable property of all other denominations. We on this side of the House were very much opposed to that exemption. Sir Frederick Thesiger was then seated on these Benches, and well I remember his using the following expressions, while remonstrating against the exemption of this charitable property from the authority of the Commission—in fact, of the Parliament:—

> "He wished to remind the noble Lord (Lord John Russell) of the Bills which had been introduced from 1844 downwards for the purpose of establishing a Board for the administration of charitable trusts. In 1844, 1845, 1846, Bills were introduced in the House of Lords by Lord Lyndhurst. In 1847, 1848, 1849, and 1850, Bills were introduced under the Government of the noble Lord by the late Lord Cottenham. In 1852 another Bill was introduced by the noble Lord and his Government, which Bill was taken up by Lord Derby's Government, who endeavoured to pass it into a law. Now, he would ask the noble Lord if any of these Bills contained any exemptions respecting Roman Catholic trusts? If these Bills never contemplated such exemptions, surely that was an argument more forcible than any which the noble Lord had drawn from the exemption in the Acts passed, not for the purposes of legislation, but merely for the establishment of preliminary inquiries."—[3 *Hansard*, cxxix. 1256.]

And he went on to say, owing to the necessity for this legislation—

> "An hon. and learned Gentleman (Mr. Chisholm Anstey), formerly a Member of that House, who, in 1847, proposed to introduce a Bill for the regulation of Roman Catholic Trusts—on that occasion the hon. and learned Member said—'The trustees of the Roman Catholic charities may be guilty of any amount of mal-administration without the Roman Catholics—for whose benefit the trust was created—daring to ask relief, because the issue of an application with that object may be a declaration that the charity was *ab initio* illegal, and continued illegal.'"—[*Ibid.* 1258.]

Although Lord Russell admitted that, in his opinion, Roman Catholic charitable property, for the purposes of their religion, should be brought within the control of the laws and courts of the country; yet he yielded to the pressure brought to bear upon his Government, and the consequence was that administration of the whole Roman Catholic property continued illegal. Parliament was most unwilling to create this exemption of Roman Catholic property from the general law, yet for seven years up to the year 1860 the purpose of the Legislature, which had been carried out with respect to the charitable property of all other denominations in the United Kingdom, which had been carried into effect in Ireland by the passing of the Bequests Act in the year 1844, with respect to Roman Catholic charitable property in that country—was totally defeated with respect to the Roman Catholic charities in this country. As I have stated, Sir, an Act was passed in the year 1860 which was intended to mitigate, if not to remove, this anomaly; yet it so happened that, in Committee on that Bill, the 5th clause was introduced by the present Lord Westbury, then Sir Richard Bethell, and Attorney General. Sir Charles Selwyn warned the House that this clause was likely to defeat—and it has, I believe, contributed to the defeat of—the intention of the statute. That 5th clause is to this effect —That the possession, or, in legal terms, the use of any property for Roman Catholic purposes, whether such use had been and was contrary to the Superstitious Uses Act, or any other law of England, or not—whether the administration of the particular uses or application of the particular property had been honestly carried out or not—no matter what the administration might have been, twenty years' possession of such property should give a good title. The whole of the provisions of the statute of 1860 are most liberal, manifesting, on the part of the Legislature, every desire to secure and facilitate the possession of this property by those for whom it was intended. But, unfortunately, instead of that provision having been held to be only retrospective; instead of having been held—which I believe to have been the intention of the House—that twenty years' possession up to the year 1860 should give a good title, no matter how that possession had been obtained—that provision of the statute has been construed as having a prospective intention. The whole object of the Act was to secure enrolment. The Committee who reported in 1852 reported in the sense of the Mortmain Act of 1829, and of the earlier statutes—some of them even of the Saxon times—that no unlimited amount of real property ought to be permanently devoted to a corporation with perpetual succession, because that property would be locked up; it could not be disposed of; it could not be sold; it might be used unprofitably; but it stood beyond the law, as if it did not belong to the country. That is the meaning of the objection of the Legislature of England before the Conquest, and of the objection of the Legislature of every country throughout Europe, to the locking up property in Mortmain or by the dead hand; to the devising in perpetual succession to certain persons for certain objects—whether religious or even social objects—of property which would otherwise come into the market, or be distributed among families, or be made useful to the State by being rendered fruitful to the Commonwealth, profitable to the Exchequer through its liability to taxation upon the same principle that it would be liable to taxation upon mortgage upon being devised, or upon its division amongst families. For remember this—if you allow that property to go into Mortmain—and I refer to it only as an illustration—the succession duty is paid once, and is never paid again. Thus the property becomes positively untaxable for national purposes. It pays nothing in the ordinary manner that other property pays in the shape of stamps and other taxation upon devolution, division, sale, or the like. I hope the House will forgive me for having touched upon this subject in connection with the law of Mortmain. I cannot better describe the defects of the statute of 1860 than in the words of a legal friend of mine; for I should not be so presumptuous as to trespass upon the attention of the House with regard to this matter if I had not the advice of the most competent lawyers—one of whom, very eminent as a lawyer, has thus written to me—

> "The Roman Catholic Charities Act, 1860, loses sight of these principles of our law and legislation—that is, the principles of the law against Mortmain, and without inquiry has made valid large and unascertained dispositions of land in Mortmain, much of which is vested in unknown persons upon secret trusts created by parole, and has even given effect to dispositions of land actually void in law (being given for superstitious uses), by declaring that such dispositions shall be held upon such of the trusts of the charity as are valid in law. The quantity of land now held in Mortmain by the Roman Catholic Church can only be known by a searching inquiry into the number of deeds enrolled under the Act of 1860, which there is every reason to believe, from the enrolments which have taken place, and particularly during the first year after the passing of the Act, is of considerable amount. It is true that enrolment is necessary to give validity to deeds of trust; but this affords no security against the acquisition of land by Roman Catholic institutions, through the medium of trustees, for the benefit of monasteries, convents, &c., the deeds relating to which are never registered, the trusts upon which they are held being secret. The trustees, it is true, may die; but upon the death of each of these another person is chosen in his place, so that ultimately the property is dealt with and governed by persons who have not, and care not to have, the legal estate vested in them."

He next proceeds to say—

> "They can lease and let as owners, and there is no one to dispute their title; but even if upon the death of the trustees, or any of them, a conveyance were made to any new and surviving trustees, or to the new trustees only, as the case might be, no enrolment of any such deed is necessary, as has been directed in the case of 'Ashton *v.* Jones,' 28 Beaver's Reports, 460; nor would any lease to be granted by the trustees for the time being require enrolment." . . . . .
> "'—— *v.* Glyn,' 12 Simons's Rep., 84 (a case in equity), and 'Walker *v.* Richardson,' 2 Meeson and Wilsby, 882 (a case at law). The fiscal aspect of the subject is of no little importance as regards the welfare of the country. Lands acquired in Mortmain, whether under deeds enrolled or by secret means, are taken out of the market for

> ever; they cease to be the subject of conveyance, mortgage, settlement, and testamentary disposition, and thus the revenues of the country are, and will be, continually lessened. Moreover, it must be borne in mind that after the first payment of £10 per cent under the Succession Duty Act, in the case of gifts to charitable uses, there will be no further duty payable; so that, in respect of the several duties before referred to, the land may be said to be abstracted from the country."

Sir, this is contrary to the principles not only of the English law, but of the laws of every other nation in Europe. In France, in the year 1861, great exertions were made by the Government of the Emperor, through M. de Persigny, to induce the monastic and conventual institutions of that country to become authorized—that is, that they and their property should become legal within the sense of the laws of France. And how was that met? Why, by every kind of evasion. In the report of M. Dupin he has written that he found the old difficulty of dealing with this monastic and conventual property revived; that, as his predecessors for hundreds of years had had to contend with attempts on the part of the monastic bodies to exempt themselves from the operation of the laws of France—as they had attempted to defy the laws of every country in which they were located with a view to exempting their property from the law—so, in 1861, he found a growing determination amongst the monastic and conventual orders in France to exempt themselves and their property from the operation of the law. This disposition has recently assumed a new phase in France. Last Session, when speaking upon the Bill for the abolition of the Irish Church, I brought under the notice of the House a Papal letter which M. Emile Ollivier, the present Prime Minister of France, had discovered in Switzerland, and subsequently published, and this letter was, in the opinion of the Emperor, of such importance, that he sent for M. Ollivier, and, it is believed, consulted him respecting it. This letter is dated October, 1865, and was addressed to the Archbishop of Paris. What was the purport of the letter? The Archbishop of Paris, as a Senator of France, had spoken strongly in defence of the French laws, which claim jurisdiction over the Roman Catholic Church in France, particularly of the property of that Church, and laid down very properly, that no property ought to be held under the protection of the law, unless the disposal and administration of such property were rendered amenable to the law—that is to say, the law of the country in which such property is situated. It appears that the Archbishop of Paris had remonstrated with the Franciscan and Jesuit Orders upon some of their practices, and that these regulars, these monks, had defied the authority of the Archbishop and appealed to Rome. The Archbishop maintained the authority of his Church as Gallican, and of his country. The Archbishop stood by what are termed the Gallican liberties of the Church of France; by the laws of France; and in the letter to which I have referred, a copy of which I have beside me, the present Pope condemned this action on the part of the Archbishop of Paris in terms of such severity as to be scarcely sweetened by the affectionate opening of the letter. His Holiness more than hinted, that he, in the event of the non-compliance, would suspend or excommunicate the Archbishop. Why? Because he had ventured, in his capacity of Archbishop and Senator of France, to visit these Franciscans and Jesuits, with the view of establishing his authority; these are the same bodies or orders which had defied the authority of M. Dupin and M. Persigny with respect to the holding and administration of property in the year 1861. This letter was written by the present Pope in 1865. I see that the hon. and learned Gentleman the Solicitor General is napping. The Solicitor General is seldom caught napping. The Home Secretary and the hon. and learned Gentleman are at this moment the only occupants of the Treasury Bench who seem inclined to dose. I have no doubt that the Solicitor General deserves his repose; and I feel that an apology is due from me for disturbing it. But it happens that the hon. and learned Gentleman was not long since professionally engaged in a very remarkable case—that of Saurin *v.* Starr; and that in that case there arose a question as to conventual dower, and as to conventual property. The case was this—Miss Saurin had been admitted a nun into a convent in Dublin, and from thence she came to a convent at Hull, where she was treated with very great severity. I shall not trouble this House with the story at length; but it is undoubted that there this lady was treated with very great severity. The circumstances of this case are known to everyone; but there is one incident in the case which bears upon the point which I am now bringing before the House, and I will read an extract from a letter written by Bishop Cornthwaite, which will contribute to my showing the resemblance between that which is occurring in England and that which has occurred in France. The question was whether the Bishop, Dr. Cornthwaite, could and would absolve this lady from her vows. Now, the hon. and learned Gentleman the Solicitor General described this lady, this nun, and he said this of her—

> "The plaintiff is a person of very good family and connected with good families in Ireland; herself a person of great devotion, having two sisters nuns in different Roman Catholic Orders, having a brother a Jesuit priest, and an uncle a parish priest in Ireland; and brought up among Roman Catholic associations, and surrounded in every way by Roman Catholic influences of the best sort."

The Court of Queen's Bench in this country has decided that this lady was the victim of a conspiracy; that she had suffered most undue severity; she appealed to the justice of English law, and having been aided by the known ability of the hon. and learned Gentleman the Solicitor General, compensation has been awarded to her. Whether she has been released from her vows or not I do not know; but this I do know, that the Roman Catholic Bishop did not treat her case, when submitted to him for decision, in a manner which commanded the respect of the Lord Chief Justice of England. The Lord Chief Justice said that the Bishop, after having undertaken to settle the matter of dispute, appeared to have remained in a somewhat melancholy position. His Lordship observed—

> "He did not disclose his object nor pursue a regular inquiry, but pursued the usual course of seeing each of the sisters separately, thinking that the truth would come out. He found himself only in a state of doubt and hesitation, and he simply let things go on and take their course. Such was the way in which the Bishop thought it right to exercise his visitatorial powers."

The Bishop, in fact, did not try the case; and why? The Bishop assigns, as a reason, that he could not do otherwise unless he had authority from Rome; this is the passage in his letter, dated the month of August, which he addressed to the Superioress of the convent, Mrs. Starr—

> "I hope that you are quite certain about the thefts and other things"—which were alleged but not proved—"and that the facts are proveable. I was unable to move efficaciously in the matter without facilities from the Holy See. I asked for them long ago; they were unfortunately mis-sent, and have only reached me this morning. In case of expulsion, will Bagot Street"—meaning the convent in Dublin—"do anything in the way of dowry?"

In other words, will the Irish convent restore any portion of the something more than £360, which had been paid upon the entrance into it of this nun? It was never stated exactly what was paid; but the Rev. Hobart Seymour has ascertained that about £500 is the sum usually paid by nuns on their admission to convents in Ireland. The Bishop, Dr. Cornthwaite, was unable to move in the matter without direct authority from Rome; and yet, after I had raised the question about convents and nunneries in this House in 1865, Dr. Ullathorne, the Roman Catholic Bishop of Birmingham, told me in a letter, a copy of which I have here, that he was the Superior of the convents of Colwich, Atherstone, and Princethorpe. It seems strange; but the Bishop Cornthwaite appeared incompetent to act. Why could he not act? Was it—and I ask the attention of the House to this—because this young lady's brother being a member of one of the Regular Orders of the Church of Rome — this Jesuit brother, acting upon the principle which his order is endeavouring to establish in France—may have advised resistance to the authority and jurisdiction of the Bishop, just as the Jesuits, not long since, resisted the authority of the Archbishop of Paris? I think the presumption is that it was so; and, if it was so, I certainly cannot account for Dr. Ullathorne's letter to me, otherwise than that his power is derived from the fact that he is a Regular — a Benedictine monk, and that it is in this capacity, and not as Bishop, that he is absolute over the convents I have mentioned. It appears that this case could not be solved by the authority of the Bishop, involving as it did the question of power and jurisdiction, and this is consistent with that which appeared in the letter of the Pope to the Archbishop of Paris. The result was that the appeal of this illused nun was made to the law of

England; but, let the House observe, for what purpose was this appeal thus made? Not to relieve this lady from her vows, but to declare her vows perpetual; for that was the indirect but real effect of the decision. Her complaint was that she was about to be excluded from her order and absolved from her vows. That was her complaint; and the laws of England were appealed to in order to enable her to defeat the intention of the Bishop, which was to relieve her from those vows. I do not say that this decision inflicted individual hardship because this lady desired to remain a nun; but it is a singular fact that the Court of Queen's Bench at Westminster should have supported, what is virtually the dictum of the Council of Trent, that a nun is perpetually bound, and cannot be absolved from the obligation of her vows. I do not believe that her brother, being a Jesuit, would have helped her to obtain a release from her vows; he is bound by the traditions and vows of his own order. Remember this, that the perpetual obligation of these religious vows is contrary to the laws of France, and I hope that it is contrary to the letter of English law, or will become so, as it certainly is contrary to the spirit of our laws; yet I have shown you how the secular power of this country has been used in this case to confirm conventual vows as being of perpetual obligation. Sir, this is a matter of considerable importance, because one of those vows is a vow of poverty. I have an extract from them here, and it tends to this—that, after her reception into a convent, a nun so completely abdicates all right to property that she can accept of no casual gift, however trifling, for her own use; but that all property which comes to her, through whatever channel, is absorbed by the community in which she lives, and becomes its property. If, then, the capital of the dower of these ladies, as Mr. Hobart Seymour has shown, in the case of the convents in Italy, Spain, France, and Ireland, exceeds the amount absolutely necessary to provide for their maintenance during the usually short period of their lives—for nuns are short-lived—and it usually does, the difference forms a fund accumulating in the hands of these convents; and the consequence is that by forming these convents large funds accrue to the monastic orders, which funds have materially aided in the results which I will now describe to the House. The attention of the public has, of late years, been strongly directed to the enormous increase of these establishments, and I am not surprised at this. I will advert to the increase which, of late years, has taken place in these conventual and monastic houses; most of them are becoming gradually possessed of property in this country. The late Cardinal Wiseman, in a speech which he delivered at the Roman Catholic Congress of Malines, in the year 1864, made the following statement as to the increase which had taken place in the number of convents in this country:—

> "From 16 (convents)" said he, "which we possessed in 1830,"—he is speaking as Cardinal Archbishop—"we have now in Great Britain an increase to 162. In 1830 we had not a single religious house for men; but in 1850 there were 11, and to-day their number is 55."

Since 1863, the date which was given by the Cardinal, the convents, according to the authority of the Roman Catholic calendar, have increased to 233, and the number of monasteries or religious houses for men has increased to 69. So now, we have this result: that the increase of convents, from the year 1830 to the year 1846, was 146, or about 4½ convents per annum were added to the number on the average of that period. But how does the increase stand in the last seven years since the date to which the Cardinal referred? From the year 1863 to the year 1870 no less than 71 convents were added to the number previously existing; so that the rate of increase, instead of being 4½ per annum, as in the previous period, rose to 10 per annum on the average of the last 7 years. Then, with regard to monasteries, from the year 1830 to 1863 the increase was 55, or about 1½ per annum on the average; and, let it be remembered, that before 1830 there were none; but from the year 1863 to 1870 the increase was 14 upon the 7 years, or, on the average, 2 per annum. Now, what I have said respecting the increase of these monastic establishments from 1830 to 1863 shows only the average of the whole period, and does not show the fact that the great increase has been almost entirely towards the close of that period. Thus we see an increase of these establishments up to the present time, such as has never been witnessed in this country certainly for 500 years. And this, Sir, is the more important, because during the same periods there has been a great increase of chapels and of priests, as well as of monasteries; in reference to which fact the right hon. Gentleman the Home Secretary said last Session there was a justification for the increase, because they were required for the active practice of their religion by the Roman Catholics. Yet the rate of the increase of these, as Cardinal Wiseman explained, greatly exceeded the increase of the general population, and, I believe, also of the Roman Catholic population; still, there may be a justification for this increase of priests and chapels such as the Home Secretary assigned. But with reference to these monasteries and convents, it must be remembered that in many cases they do not provide for any active religious ministrations whatever, though they do provide for this—they provide in this country, as I have shown the House, from the example of France, establishments, the possessors of which are very much inclined to defy the laws of this country, while they consider themselves the direct servants and tributories of the Pope. I ask the House to inquire into these circumstances, and ascertain how many of these institutions really exist; what is the character of these institutions, what their discipline, and how far the property, on which they exist, conforms to the laws established for the regulation of the properties belonging to the other denominations in England. Because, Sir, you will observe that in the Charity Commissioners' Report for 1852 they declare that a number of Roman Catholic trusts had been enrolled under the provisions of the Act of 1860; but about that time a defect in the statute appears to have been discovered, and since then the number enrolled, and thus brought within the provisions of English law, has dwindled away until I hear from a Charity Commissioner this morning that, during the last year, there were almost none enrolled. So complete has been the failure of the statute of 1860—a measure which was devised in the most liberal spirit by this House for the purpose of enabling those Roman Catholics, who might be interested in such property, to ascertain for themselves how far it has been applied to the objects for which it was intended; and, among other things, whether any of it has been improperly withheld from Roman Catholic or other families by these religious orders, or by the Roman Catholic Church. Do not let hon. Members of the Roman Catholic persuasion suppose that I am speaking without proof; for it was clearly proved, before the Select Committee of 1851-2, that there were many cases of abuse and hardship, and of property having been taken from Roman Catholic families and from Roman Catholic priests, contrary to every principle of justice. And why? Because this property was then beyond the law of England; its devolution was not regulated, as in Ireland, under the Bequests Act, by a national authority; but the jurisdiction over it had been driven to Rome. The object of the Legislature in passing the Roman Catholics Charities Act of 1860 was to bring this property within the jurisdiction of our courts, to provide for the enrolment of the trusts, and thus to secure equal advantages to the Roman Catholic families with those possessed by the families of every other denomination, under the general statute of 1853, with respect to charitable property. At the instance, Sir, of my late Friend Sir Charles Selwyn—himself a Judge professionally versed in the administration of Roman Catholic property, and therefore perfectly cognizant of the whole of the circumstances,—on the 26th of February last year I brought these circumstances under the attention of the House, and moved for a Committee to inquire into the subject. What was the answer with which I was met by the Government? The First Lord of the Treasury was present. Poor as my means of expressing myself might be, I was stating a necessity that was patent to Sir Charles Selwyn and patent to Sir William Bovill; and what did the right hon. Gentleman do? He waited until I had reached that "witching hour" when hon. Members mostly refresh themselves, and then, instead of saying one word in answer to my statements and my appeal, he called for a division, and secured the defeat of a Motion promoted by no mean legal authorities. Again, on the 30th of July following, I moved for Returns to show how many of these Catholic trusts had been enrolled by the Rolls Court under the provisions of the Act of 1860. I had been informed by an eminent lawyer that such was the confusion pervading the Rolls Court, that it would give great trouble to furnish these Returns. Still, the object of the discovery was deemed to be essential, no less by the high legal authorities to whom I have referred than by the Committee on Mortmain in 1852. I hoped, therefore, as the House was about to separate for the Recess, that the Government would consent to the production of these Returns extending only over a very limited period—such as I thought the House might well demand, not upon my authority, but upon the advice of most competent persons. The right hon. Gentleman the Home Secretary, however, came down to the House, and declared that the preparation of these Returns would be very troublesome. I proposed to shorten, and did shorten, the period over which the order for these Returns should extend to three years; but the right hon. Gentleman said that it would take eight months to prepare the Return. If that be so, I ask the House what must be the condition of things at the Rolls Court? Eight months to produce such a Return! Then the right hon. Gentleman went on to assign some other reasons. He said that—

"Every good citizen must wish that every religion should experience just and equal treatment, and be allowed to develop itself in its own natural course."

Now, so far as the practice of any particular religion is concerned, God forbid that I should object to that; but can the right hon. Gentleman have meant, does he mean, that the monastic orders ought to be at liberty to accumulate as much property in Mortmain as they like? There would be no equality in that. No other denomination is allowed to devise property to the uses of its worship, or the practice of its religion, except within the restraints of the law against Mortmain. [Mr. BRUCE: Nor is the Roman Catholic Church.] I can scarcely believe that the right hon. Gentleman meant what he said last Session; and if he does not mean what he has said, why did he refuse the inquiry for which I now ask? I have never been able to account for the conduct of the right hon. Gentleman. But last Session he went on to say—

"His hon. Friend (meaning me) had shown, or at least, attempted to show, that our legislation in respect of enrolments of deeds in England was less perfect than that in regard to Ireland."

I had quoted the evidence of the Master of the Rolls in Ireland, given before the Committee of 1852 to that effect; and I believe I read it distinctly. At any rate, if the Home Secretary had referred to the evidence before that Committee he would have found that the operation of the Bequests Act is very superior to that of the Roman Catholic Charities Act of 1860; but he said—

"Possibly this might be the case; but, if so, the way to remedy the evil was to introduce a Bill to assimilate the English law on the subject with that of Ireland."

Why, that is exactly what I desire; but knowing that I am only an independent Member of the House, and on the wrong side to do very much, all I could do, at the instance of the eminent persons to whom I have alluded, was to propose the inquiry which they had suggested, and to ask for information. The Home Secretary, however, unlike the late Sir George Lewis, was inexorable, and would not allow the House to have any information of the kind. He proceeded to say—

"He hoped, however, that the House would never consent to put the Roman Catholic and Protestant endowments on a different footing."

Sir, the whole object of the Act of 1860 and of my Motion is to put these as nearly as possible on a par—to bring them within the operation of the same category of law—

"Good reasons (said the right hon. Gentleman in conclusion) might perhaps be adduced in favour of assimilating the laws of the two countries; but, in the meantime, he objected to the Motion of his hon. Friend on account, not only of the vast amount of unnecessary labour which it would entail, but also, and chiefly, on account of the injustice it would inflict on our Roman Catholic fellow-countrymen."

If the Legislature had decided that it was just to the Roman Catholics, especially the laity, and had so decided, after full inquiry, that these charitable trusts and property should be brought within the law of England, upon the principles he seems to hold the Home Secretary ought to have proposed the repeal of the Roman Catholic Charities Act of 1860. My object is the same as that of his predecessor, Sir George Lewis; the same as that of the late Lord Campbell, and other eminent statesmen and lawyers; the same as that of the Legislature itself; that object is to secure a good title, and publicity of title, for this property under the English law, for the sake of Roman Catholic and other families, by securing for the use all who are interested in such property that public enrolment, which was recommended by the Select Committee of 1851-2, and which was sanctioned by the Act of 1860, although in practice that statute had been defeated. In order to avoid giving any unnecessary trouble to the Rolls Court, I now consent further to limit the scope of my present Motion, and instead of asking for an inquiry into all Roman Catholic charity property, I move simply for an inquiry into that which is possessed by the monastic and conventual institutions in this country; and only so far as to ascertain the terms of actual possession; for I have omitted the words relating to the circumstances under which property has been acquired by these monastic and conventual orders. In making this request, I find myself supported by a vast number of persons outside this House; and why? Because they desire that the conventual institutions in this country should be inspected. They have seen this vast increase of convents. They have seen them grow up in numbers from sixteen, in the year 1830, to 233 in 1870; they have also seen the monasteries increase to sixty-nine, and they desire that the character and operation of these institutions should be clearly ascertained. Nor is this surprising. I have the statement of a case before me here, in which the daughter of a respectable person in this town was persuaded to go into a convent at Hammersmith before she was sixteen years of age. Her mother, being a Protestant, persuaded her to return home, and she did so; but subsequently she went back, and soon after—this was in the autumn of 1865, and I have all the facts here—the mother, to her great surprise, received a letter from her daughter, dated from a French convent, and praying that she might be assisted to escape from it and to return home. The mother procured the aid of a friend, and they proceeded at once to France. [" Name, name!"] I shall not give the names; but I have them here. Fortunately, in the same packet they met with a person of influence, who, being made acquainted with the facts of the case, applied, I believe, to the highest authority in France. The *prefect* of the town in which the convent is situated was at once communicated with. The inspection of convents in France is the duty of the *prefects;* the result was, that the mother and her friends were admitted to the convent in which the poor girl had been for nine days; and when this girl was brought to them, she threw her arms around her mother, and begged to be taken from a convent so different from that which she had left in England. She said that she had been happy in the English convent, and had been told that she would find the French convent an equally happy abode; but instead of that she had witnessed great severities inflicted upon the inmates of the French convent —in short, she had found it a prison. It was only through a happy accident and the kindness of a stranger that her letter had reached her mother. This was a rescue from prison; and proves, as was asserted by Mr. Hobart Seymour, in 1852, that some of the convents in this country are affiliated or connected with convents abroad. The latter are sometimes very different in their discipline from the former. The late Cardinal Wiseman objected to Mr. Hobart Seymour's statements, yet admitted the facts, for he said that those who enter these convents enter into an engagement, by which, whether they understand it or not, they were strictly bound. The vows taken by Miss Saurin, as recited by the Solicitor General, afford an illustration of the fact, that the nun engages to go to any of the branch homes of the convent she enters. This girl, who entered a convent here in London, where she was well treated, was transferred to another on the Continent, where, it appears, a most austere and cloistered discipline prevailed, which was practically a prison, and from which she was by good fortune rescued. One reason why the English public are so anxious on this subject is, that they know there is a vast difference between these convents; that the cloistered convent is a dungeon, that the houses inhabited by Sisters of Mercy are generally homes as comfortable as nuns may be allowed. Not very comfortable, it is true, as was proved in the case of Saurin *v.* Starr; but comfortable as compared with the cloistered convent in which this poor girl found herself in France. The late Cardinal Wiseman admitted that there were some cloistered convents in England; but he said that these were few. I have the same admission here, on the authority of a Roman Catholic newspaper, which speaks with some contempt of my humble efforts. After referring to the number of Petitions which I have presented to the House on this subject, *The Weekly Register* of last Saturday writes—

> "There is something most intolerable in the idea that convents, monasteries, or other Catholic establishments, built and supported with the money of Catholics, should be subjected to 'inquiry' and legislation at the instigation of such wrongheaded creatures as the Member for North Warwickshire. The Catholics of England are not ashamed of their convents; far from it, and they would always be glad to obtain admittance for persons who wish to see the interior of such establishments;"

but then comes an exception—"as are not cloistered!" So there is an exception—"as are not cloistered."—

> "But (proceeds the writer) this perpetual interference with our affairs must be put down, and we hope that some one or other of the Catholic Members will take the matter in hand on Tuesday next."

Sir, I shall be rather curious, when I see any Roman Catholic Member rise in his place, to hear what objection he can urge against an assimilation of the laws of this country to the laws of France, with regard to the inspection of convents. Having shown that the necessity for inspection is felt in France, will it, now that convents have so increased in this country, be said that there is no necessity for such inspection in England? Perhaps some hon. Gentlemen may remember the case which, in 1865, I brought before the House, arising out of circumstances connected with the convent at Colwich. On that occasion I adduced the substance of sworn affidavits to show that a nun, who had escaped from the convent, was discovered and taken back; that when she had escaped she was known to have appeared much terrified; that subsequently she was removed from that convent, and was found in a convent at Wimborne, in Dorsetshire. She never would admit that she had been well treated in the convent from which she had escaped. Nor would she deny any of the facts, upon which the inquiry directed by Mr. Justice Wightman had proceeded. In the correspondence which ensued upon my Motion, I was taken to task by Dr. Ullathorne on the subject; but he could not dispute the escape of that lady. If the convent at Colwich was a place of such severity as to induce that lady to make her escape, taking that case alone, why should Roman Catholic Members object to an inquiry in order to ascertain whether there are not other convents in this country which are conducted upon principles so severe as to have in other countries met with the reprobation and precautions by Legislatures and Governments, even in Roman Catholic countries? Why should England be more careless or indifferent in these matters than France? I have shown you that it was the temporal authority, put into action, at the instance, as I believe, of the highest personage in France, which secured the rescue of an English girl from a French convent. Is it not natural, then, that the English people should wish that some such precautions should be taken by law here as those provided by law in France? I have shown the necessity which exists for inquiry. That a Committee shall be appointed is all I ask, and I may, at all events, test and prove the circumstances to which I have referred. Perhaps it may be thought that I am travelling beyond the limits of my Notice. But at the close of last Session the hon. Member for Fifeshire (Sir Robert Anstruther) gave notice of a Motion for the present Session, and I desire to clear myself from the appearance of having interfered with or obstructed the hon. Member. His Notice is to this effect—

> "To call the attention of the House to the number of conventual and monastic institutions existing in the country; and to move a Resolution, that, in the opinion of this House, conventual and monastic institutions ought to be made subject to Government inspection."

Upon this I gave Notice of the following Amendment:—

> "That, whereas the history of this country in former times, and the recent history of other countries, prove that the unlimited increase and establishment of conventual and monastic institutions is inconsistent with social welfare and national progress, it would be inexpedient and impolitic to encourage, by the appointment of inspectors, or otherwise to legalize the increase of such establishments in this country, without previous inquiry, a Select Committee be appointed to inquire into the existence, character, and increase of conventual and of monastic institutions or societies in Great Britain."

It seemed, for experience had shown, that it would be rash to attempt to pledge the House to inspection of convents without previous inquiry. I have therefore adopted the course I am now pursuing for two reasons. In the first place, I wish to ascertain how far the property belonging to these institutions —and I know that in the Midland Counties it is considerable—has been brought within the purview of the law; and, in the second place, what is the character of those institutions. I have seen estimates of £20,000 for one monastery here, and of £15,000 for another monastery there. I see those places rising in different directions at a great expense, and I am told, that such and such property belongs to them; the tenants say they believe it is so, and that they pay their rents to certain agents. I ask, then, that these places should be brought within the purview of English law. That is my object; but at present I only ask you to inquire what is the nature and character of the property held for these institutions, and into the tenure of this property; and, further, what may be the character of the discipline in these convents respectively. The House having ascertained these facts, connected with this new element, affecting, as it must, the social organization of the country, then being in possession of knowledge of the subject, you will be able to decide whether the same precautions should not be adopted for the inspection of these institutions in this country as are applied, in one form or other, throughout the whole Continent—for example, in Prussia, where the system of inspection is exercised by the direct authority of the Crown, and in France, where it is enforced through the *prefects* or mayors. In Italy they have had enough of convents. Spain, too, appears now to think she has had a surfeit of them; the experience of these countries verifies my assertion, that a vast increase of monastic and conventual establishments does not contribute to the national welfare. Is it not time, then, that the Legislature of this country should inform itself in some degree upon this subject, pledging itself to no particular measure in the first instance, but seeking to ascertain whether laws, which it has passed, have been complied with, and what legislation may be desirable hereafter? I have heard it said by some hon. Members that these institutions promote education, and I do not deny that some of them do; but I bring this fact to bear upon the other side—that in Italy, where monastic and conventual institutions were till of late years most rife, and in Naples, particularly, there was found the densest ignorance amongst the great body of the people. The Prime Minister, I am sure, must be acquainted with this fact. I think I have heard him applaud the Italian Government for having taken funds from those institutions, and for having applied them to the purposes of education. I should have been surprised, indeed, had the right hon. Gentleman entertained any other view, when I remember that he is a bright ornament of Christ Church, Oxford, of which I am a humble member; and whence, I ask, came the funds which provided for the education of the right hon. Gentleman and myself, but from suppressed monasteries? That suppression was effected, not without Papal authority, but under the powers of a Bull, or Brief, obtained by Cardinal Wolsey for the very purpose from the Pope. With such a chapter in our own history, then, as the suppression of the convents and monasteries affords, and knowing that Lyttelton, that accomplished author, that Hallam, that Blackstone, and other eminent historians and jurists all record the necessity for a due observance of the principles of the law of Mortmain, thereby preventing an undue absorption of property in the hands of these monastic and conventual institutions; knowing all this, and sitting in a House which, only ten years ago, passed an Act which was most liberal in its provisions towards the Roman Catholics, yet still with the intention of establishing the principle of the laws against Mortmain, in the case of Roman Catholic institutions, I ask the House to consent to the inquiry which I now propose, narrowed and limited as its sphere is to be. I ask them, at the instance of my late Friend Sir Charles Selwyn; I ask them at the instance of high legal authorities, to inform themselves upon a subject which has become deeply interesting to this as it has been to every other country in Europe. The hon. Gentleman concluded by moving his Resolution.

MR. CHARLEY seconded the Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the existence, character, and increase of Conventual and Monastic Institutions or Societies in Great Britain, and into the terms, upon which income, property, and estates belonging to such Institutions or Societies, or to members thereof, are respectively received, held, or possessed."—(*Mr. Newdegate.*)

The SOLICITOR GENERAL said, he had the greatest difficulty in connecting the speech of the hon. Gentleman with the terms of the Motion on which the speech was founded. That Motion consisted of two distinct and independent points. Now, so far as the House had to deal with the first part, which related to "the existence, character, and increase of Conventual and Monastic Institutions," it was necessary to bear in mind that such institutions were the natural and inevitable result of the spread and increase of that religion of which they were an essential and important part. The great majority of the Members of that House did not belong to that religion; but they ought to exercise principles of fairness and common sense, and the moment that the Roman Catholic religion was a tolerated religion the members of it ought to be allowed to exercise their faith in accordance with the rules and principles of their religion. It was inevitable that certain persons who had more ardent feelings of devotion than others would betake themselves to conventual establishments as the natural consequence of the toleration of the faith which they professed. In a country like this, to which large numbers of Roman Catholics came from Ireland and elsewhere to establish themselves, it was easy to understand the development of monastic institutions, which was the obvious concomitant of the spread of the religion itself. If he could for a moment believe that among the great mass of the population of England, among the intellectual classes, or in general public opinion or feeling, the Roman Catholic religion was making considerable progress, there might, he would admit, be some pretence for the fears which the hon. Gentleman had expressed. But as he (the Solicitor General) maintained a totally different opinion as to the real progress of that religion, he entertained no fears on the subject, and could see no good ground for the institution of any such inquiry as that which was proposed. With respect to the second part of the Motion, he apprehended there was no sufficient foundation for the assertion which the hon. Gentleman had made in the course of his speech. In law, whatever partizans — whether lawyers or otherwise—might assert to the contrary, he (the Solicitor General) laid it down without hesitation that, with a qualification which he would presently express, the Roman Catholics in this country were upon exactly the same footing with regard to money bequests left to them for the purposes of their religion and as to the holding of property as any other subjects of the Queen. The law of Mortmain and the law of Trusts as regards them were the same; the Courts of Common Law and of Equity applied the same doctrines to them; and there was no ground for the suggestion that there was any difference whatever in the power which Roman Catholics had of acquiring, holding, or maintaining property held for the purposes of their religion, and the power which Churchmen, Wesleyans, Independents, or any other body of Christians or non-Christians might exercise in this country. There was no doubt a qualification. It was perfectly true that, as regarded the operation of the Charitable Bequests Act and the jurisdiction of the Charity Commissioners, Roman Catholics were practically though no longer technically exempt, and it would be extremly unjust if they were not. Three hundred years ago, at a time of great political and religious excitement, certain uses and certain practices of their religion were proscribed by Parliament, and were denominated superstitious uses; and, no doubt, property left in terms for the maintenance of these particular forms of the Roman Catholic religion would, if brought into a court of law under that name, be confiscated under that old, unrepealed law, and all such uses would be declared superstitious, and, by consequence, illegal. At present, however, most people were of opinion that Roman Catholics should be at liberty to follow out the principles of their religion, where these did not interfere with the general well-being of the State, and should be responsible to the Almighty alone for the particular forms which their belief might take. To emancipate them, therefore, from what would be the unjust and harsh though necessary operation of the courts of law while the old law remained unrepealed we remedied by one exemption an injustice created by another; but there was no ground for saying that any distinction was made between them and other sects by a law passed of late years in favour of Roman Catholics. True, there was a distinction, but it was a distinction made necessary by the state of the law, which pressed very hardly and prejudicially upon Roman Catholics. Having answered shortly the two conditions upon which the Motion was founded, he did not desire to follow the hon. Gentleman into the long argument which he had addressed to the House, being most honestly unable to appreciate how nine-tenths of it bore on the questions to be found within the four corners of this Motion. But perhaps the hon. Member would permit him to say that, as to the case of Saurin *v.* Starr which he had alluded to, he had fallen into very considerable mistakes as to its legal bearings. It was not the duty of a lawyer to express in this House his private opinion on matters in which he had been concerned professionally elsewhere. The duties of an advocate were one thing, those of a Member of Parliament were another, and he had always taken due care to distinguish between the two. But, without expressing any opinion upon the particular case referred to, he might be permitted to suggest that it afforded no foundation for the position of the hon. Gentleman, who assumed that the Roman Catholic Bishop could not interfere with regard to the dowry which the plaintiff was anxious to take out of the convent, because no authority for this purpose had been received from Rome. That was a total misapprehension. The question of the dowry, the money question, never arose in the course of any investigation by the Bishop from the beginning to the end. Nor could it arise, because, as there had been a voluntary passage by Miss Saurin from one conventual institution to another, the two institutions being distinct, the dowry received by the convent in Dublin had never belonged to the convent at Hull. Therefore, when driven out of the latter institution, Miss Saurin could have no claim upon the Hull convent for money of which it had never received a shilling. The real question the Bishop had before him was whether he could absolve a nun from her vows *in invitam,* and it appeared that it would be necessary for that purpose that he should receive faculties from Rome, and in order to absolve her, whether she would or no, he would have to wait for these faculties. No question of property was or could be raised from first to last in any of the proceedings to which the hon. Gentleman adverted. The hon. Gentleman, therefore, in his (the Solicitor General's) opinion, had not succeeded in making out any case for his Motion, because, first, conventual institutions, which were the mode in which this body of Christians developed its belief, formed no proper subject for Parliamentary inquiry; and, secondly, because there was no foundation for the statement that the law was different, or was differently administered, in the case of Roman Catholics, except so far as the qualification he had adverted to altered the law, or varied the administration of it. The hon. Gentleman was probably aware that a large proportion of Roman Catholic property was held simply on the honour of English and Irish gentlemen, without the shadow of a trust either direct or implied in the terms of the bequest. The trust was not expressed either verbally or in deed, and, therefore, no court of law or equity could deal with it. The fact that Roman Catholics were contented to trust to the honour of those who thus held property dedicated to the uses of their religion was a fact which lay outside the law, with which the law had nothing to do, and which no law could alter. A very large amount of this property was held in Protestant hands; but these Protestants were gentlemen, and there was not, so far as he was aware, a single instance in which the trust had ever been abused, and he hoped, for the honour of English gentlemen, there never would be.

MR. T. CHAMBERS said, he agreed with the Solicitor General only in his statement that the question should be approached with fairness and common sense. The hon. and learned Gentleman, however, had used that expression with the view of drawing the inference that the Motion, if carried, would not be consistent either with fairness or common sense. He begged, therefore, to inform the hon. and learned Gentleman that in 1853 and 1854 the House had by majorities over and over again agreed to take the course which the hon. Member (Mr. Newdegate) now invited them to take. He had never heard anyone impugn the decision of the House in this matter, either in regard to fairness or common sense. He had listened with extreme surprise to his hon. and learned Friend laying down, in the face of the English law, the assumption that the Roman Catholics stand upon precisely the same footing in every respect as the other denominations of the country. The fact was, there was the most striking and startling contrast between the position of the Roman Catholics in relation to the law and the position of all others. There were now 216 convents and sixty-nine communities of men. In 1829 there were no communities of men, and only six convents. It was well known that when the Roman Catholic Relief Act was passed, convents were not expressly forbidden, the communities being Sisters of Mercy; but under the same Act institutions for men were declared illegal, and their existence was therefore an infringement of the laws. If anyone chose to move for a Bill to render them legal, well and good—that was a fair subject for discussion; but so long as they were allowed to multiply and to accumulate property, in defiance of the terms of the statute, how could it be said that Roman Catholics stood on the same footing with the members of other denominations? What other denomination would be allowed so to violate the law? The Solicitor General said conventual institutions were the inevitable development of the religion of Catholics, the natural outcome of their religious life. Was that a reason why the law should not take cognizance of them? This was a country in which the Roman Catholic religion was only tolerated, and therefore the case was not so strong as in the countries where it was endowed and established; but in none of those countries was it on that account considered to be exempted from all social obligations. There never was an argument so inconclusive as that of the hon. and learned Solicitor General. The very reverse of it was true. It was because conventual life was the natural outcome of the religious life of Catholics, in such a form as affected in the most intimate manner the well-being of every State, that conventual institutions had been brought within the control of the law in the most highly-civilized Catholic communities. He drew an inference precisely the reverse of that of the hon. and learned Gentleman from the admissions he had made; and he maintained that, because these institutions were the natural and necessary effect of the Roman Catholic faith, therefore it was exceedingly important, especially in a country where monasteries were an infringement of the law, that some inquiry should be instituted respecting them, and some control exercised over them. The House thought so in 1853 and 1854, and it was not much wiser or more charitable now than it was then. The hon. and learned Gentleman said the law made no distinction in respect of property between Roman Catholics and Protestants, and then he proceeded to name one striking distinction. The charitable property of all other religious denominations had been exposed to the most severe, the most searching, and the most jealous scrutiny any Commission could possibly exercise; but the Commission did not touch the Roman Catholics, and was that being equal before the law, and standing in precisely the same relation to the law? The hon. and learned Gentleman found that would not do, and then he said it was true the Roman Catholics were not exposed to this scrutiny, but they were exempt from it. There was another point, and it was that all other charitable property was inquired about and determined upon in the Courts of Chancery; but here again Roman Catholics were not touched; their property was not brought into the courts, they were exempt not only from the inquiries of the Commission, but also from the ordinary tribunals of the country. His hon. and learned Friend said this was so in point of fact, but not in point of law; then it was not lawful, but it was illegal; and yet the hon. and learned Gentleman proceeded to justify it. Of course, if the Roman Catholic charities were to be brought under the jurisdiction of the courts, so far as they were established to maintain superstitious uses, they must be declared null and void; and, therefore, the hon. and learned Gentleman was landed in this conclusion—these charities being wholly contrary to English law, they were protected because they could not be taken into the courts, and their validity be there questioned. That might be a right state of things; the hon. and learned Gentleman might be right in saying that times had changed; it might be that we ought to allow the property of any man under any circumstances to be given, upon any kind of religious trust, and for any religious uses, whether superstitious or not; but until this was the law it was impossible to say that all stood upon the same footing; indeed, it was impossible to say otherwise than that Roman Catholics stood upon a footing the reverse of that occupied by others. Was it expedient that the State should take some cognizance of these communities thus practically excluded from the operation of the law? Roman Catholic States had taken cognizance of them, and within the last thirty or forty years these institutions had been put down wholesale in consequence of the mischief they did to society. These were not things to be argued, they were facts; they were matters of history which no one could dispute. When Roman Catholic States, one after another, had put down these institutions on the grounds stated, how could we hold that they had done so on insufficient grounds, and that they had acted wrongly? On the contrary, we were pretty nearly unanimous that these States had acted rightly. Again, could we be indifferent to the manner in which property, and especially real property, passed into Mortmain? Had there not been in every State the utmost jealousy on this head, and was it not justified by the history of Europe, our own country included? That history showed that, without perpetual vigilance, the property that would pass into Mortmain would be so large as seriously to interfere with the prosperity of the State. Again, these were not arguments; they were matters of history. If it were true, as was alleged, that the monastic institutions stood in this country upon a footing such as they did not stand upon in any other country of Europe; if it were true that their property stood, in relation to the law, in a position entirely the reverse of that occupied by the Church property of all other denominations; and if it were yet true that the Charities Act did not reach the Roman Catholic body and that the required enrolments were not made, what could be said but that the law was evaded? The statute was passed to enable us to ascertain not what property passed to these charities, but whether there was any reasonable ground for supposing it was applied to purposes contrary to the law; the State did not obtain the information which the statute intended to secure; and, what is more, the people did not get that protection in relation to family property which they were entitled to claim. The property was disposed of without any formal declaration of trust, or anything but an understanding upon honour, and a more perilous state of things could hardly be imagined in any community. This state of things could be carried to any extent, and the consequence would be that the Roman Catholics would always be liable to suspicion. He did not wish to say a word offensive to any Roman Catholic; but purely on grounds of State necessity and of justice to the whole community there was reason for inquiry, with a view to obtaining the information sought by this Motion.

MR. SINCLAIR AYTOUN said, he would support the Motion, as it was of the utmost importance that information concerning the property held under Mortmain should be obtained. The Motion was not directed in any invidious spirit against members of the Roman Catholic community, as the members of every other community would be willing to submit to such an inquiry. But that part of the Motion which referred to the existence and character of monastic institutions was even more important, because as these institutions existed at present there was no safeguard afforded by the law of this country for the liberty of the persons who were resident in them. This was a state of things not creditable to the people of England and exceedingly discreditable to the Liberal party. He had referred to the debates on this subject recorded in *Hansard*, and he could not find that the insecurity of persons resident in monastic institutions had been disputed by any Member of a Liberal Government. It might be said that the Habeas Corpus Act was effective in providing that protection, but practically that was not the case. So far as any person engaged in any ordinary occupation was concerned, the very fact of his disappearence from his residence was *primâ facie* evidence on which a writ of Habeas Corpus could be applied for, but in the case of a person in a convent there were not the same facilities. We were told that we must trust to the honourable feeling of the Roman Catholic community. He did not doubt the honour of Roman Catholic gentlemen in the least degree; he would place the same reliance upon them that he would place upon Protestant gentlemen, but he would place no more. He hoped the hon. Gentleman would go to a division upon his Motion, and that he would be successful in procuring an inquiry, which would show whether it was possible for inmates of a convent to be confined there against their will.

Mr. HOLT pointed out that the hon. and learned Solicitor General, while he seemed to think that the existence of conventual and monastic institutions in this country was a necessity as part of the vitality of the Roman Catholic faith, had overlooked the important word in the Motion before the House, which sought an inquiry into the "character" of such institutions. The existence and increase of such institutions were important in proportion as they might regard their character to be important or otherwise. When the hon. and learned Gentleman told them the Roman Catholics must be at liberty to follow and practise their own religion he scarcely meant them to draw the inference that Roman Catholics were to do that without regard to their neighbours' liberty. There was a feeling abroad in the country that the character of these institutions was not by any means in harmony with the liberty of the subject. It was supposed that persons were forced to enter them, and that when there they were forcibly detained. ["Oh, oh!"] He was not saying that was the fact; but it was reasonable for his hon. Friend to ask the House to institute an inquiry so that these suspicions might be either set at rest or, if there was any foundation for them, that it might be known what amount of truth there was in them. The Roman Catholic Members of this House seemed to oppose anything like an inquiry into the proceedings connected with their religious opinions and convictions; but he would remind them that in proportion as they obtained the rank in this country of free citizens they must be content to submit themselves to the action of the law of the land. But in proportion as they demanded equality of privilege they claimed exemption from the law, and in proportion as they enjoyed all that Protestants enjoyed they demanded to be free from the restraints which Protestants had to submit to; and that was not right or fair. He should support his hon. Friend if he pressed the Motion to a division.

Mr. GREENE said, the hon. and learned Solicitor General had told them that he had been unable to find any connection between the speech of the hon. Member for North Warwickshire and the Motion with which he concluded. No doubt that was quite true, for the hon. and learned Gentleman was asleep for the greater part of the time during which the hon. Gentleman was speaking. He (Mr. Greene) had noticed that whenever the question of the English Church was brought forward there were many professing to be members of that Church who were always ready to join in any attempt to pull her down. If he were to speak of "the Upas tree of Romanism spreading its deadly shadow over the land" he knew how he should be received; but he would say advisedly that whenever a question affecting the Roman Catholics was brought forward it was received with great shyness and tenderness on the opposite (the Ministerial) side of the House, and sometimes, he was sorry to say, even on this side. That was sufficient to show the country that this House was not independent, and that it did not act in an independent spirit. When the House went to a division, he had no doubt that Members of the Dissenting communities would be found joining with Roman Catholics in opposing a fair and honest measure of inquiry. If the monasteries were not afraid of daylight, why should a Committee of Inquiry be refused? It was notorious that these institutions were increasing in power, and it was for the people of England to look that power in the face, and not to be led by a party. If the First Minister of the Crown asked his party to follow him—he had almost used a strong expression; but he would say quite close to the deep abyss—they would follow him there. There was always danger in stagnation, and it was quite time that the country should be alive to the fact that this House had been too much governed by a pressure from the opposite Benches, where the power of the Romish priest was brought to bear upon every act of legislation. The very Land Bill which was now before Parliament was to throw more power into the hands of the priesthood. He had heard very much said about this being a Reformed House of Parliament; but he doubted that very much, for, according to his experience, it wanted a great deal more reform. He appealed to the electors of England to narrowly watch the House. There was a want of straight-forwardness in the Members. They would sit there quietly, and then they would go into the Lobby to vote against this Motion; but out of doors they would tell you that it was the priests who had done all this evil. Any Government that denied a Motion of this kind showed that the people were not alive to the state of things. It was time that England should be awoke to the present condition of affairs. He would vote for the Motion of the hon. Member if he went alone with him into the Lobby.

MR. KINNAIRD said, he should like to know whether the Solicitor General would deny that by the Roman Catholic Emancipation Act these monastic institutions were made positively illegal? He admitted that the hon. and learned Gentleman's speech was mellifluous and harmonious, but that did not touch the fact of illegality, and he should have no hesitation in supporting the Motion, though for party purposes, as he believed, the Government were going to support the Roman Catholics in acting against the law.

MR. NEWDEGATE, in reply, said, he was sure that if the Solicitor General had been more minutely acquainted with the facts he would not have said that this property was in a safe condition. Parliament had considered the matter in 1853 and in 1860. He had proposed this inquiry, actuated by those who were fully cognizant of the whole legal effect of the case, and who assured him of the absolute necessity of some inquiry, with a view of carrying out the intentions of the Legislature. With regard to the legal question, he thought he might leave the Solicitor General in the hands of the Common Serjeant (Mr. T. Chambers). But, as to the other aspects of the question, he must remind them that Petition after Petition had come to the House praying for protection to the inmates of these convents. He was prepared to show that girls when they entered them did not know to what discipline they would be subjected, and that they had not the means of communicating with their friends. He was also prepared to show that English women were inveigled out of this country and placed in convents, which deserved to be termed dungeons, abroad. He had made out his case; but the difficulty was, contract it as they might, the inquiry must be extended. He had offered the Government this—if they held him to be prejudiced, as he had been represented elsewhere, and if they could not trust him in the Chair of the Committee, he should only be too happy if the right hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam), who was Chairman of the Mortmain Committee in 1851 and 1852, on whose Report the Legislature had acted, would serve on this Committee and take the Chair. He now submitted to their decision a grave and weighty question. He asked them humbly and respectfully, with a view to the estimation in which that great Assembly should be held elsewhere, not to turn a deaf ear to the Petitions which had been addressed to them, not to leave the law of this country different from that of every other civilized community, on a question which deeply touched the tenderest feelings and affected a mass of property accumulated beyond the control of the State.

Question put.

The House *divided*:—Ayes 131; Noes 129: Majority 2.

AYES.

Allen, Major
Anderson, G.
Archdall, Captain M.
Arkwright, A. P.
Arkwright, R.
Armitstead, G.
Assheton, R.
Aytoun, R. S.
Bateson, Sir T.
Beach, W. W. B.
Bolckow, H. W. F.
Bourne, Colonel
Bright, R.
Brinckman, Captain
Broadley, W. H. H.
Brown, A. H.
Cadogan, hon. F. W.
Campbell, H.
Candlish, J.
Cave, right hon. S.
Cawley, C. E.
Chambers, T.
Chaplin, H.
Child, Sir S.
Cole, Colonel hon. H. A.
Corbett, Colonel
Crichton, Viscount
Croft, Sir H. G. D.
Dalrymple, C.
Dalway, M. R.
Dickinson, S. S.
Dimsdale, R.
Dodson, J. G.
Du Pre, C. G.
Dyke, W. H.
Dyott, Colonel R.
Egerton, Capt. hon. F.
Ewing, A. O.
Eykyn, R.
Fielden, J.
Figgins, J.
Finch, G. H.
Finnie, W.
Fowler, R. N.
Garlies, Lord
Gordon, E. S.
Gore, J. R. O.
Grant, Col. hon. J.
Greaves, E.
Greene, E.
Gregory, G. B.
Grosvenor, hon. N.
Grosvenor, Capt. R. W.
Grove, T. F.
Guest, A. E.
Hambro, C.
Hamilton, Lord C.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hay, Sir J. C. D.
Henniker-Major, hn. J. M
Henry, J. S.
Hermon, E.
Hervey, Lord A. H. C.
Hick, J.
Hildyard, T. B. T.
Hodgson, W. N.
Holms, J.
Holt, J. M.
Hornby, E. K.
Hutton, J.
Jackson, R. W.
Jardine, R.
Jenkinson, Sir G. S.

Johnston, W.
Keown, W.
Kinnaird, hon. A. F.
Knox, hon. Colonel S.
Langton, W. G.
Lindsay, hon. Col. C.
Lubbock, Sir J.
M'Arthur, W.
Macfie, R. A.
M'Lagan, P.
Maitland, Sir A. C. R. G.
Mellor, T. W.
Miller, J.
Milles, hon. G. W.
Monk, C. J.
Neville-Grenville, R.
Noel, hon. G. J.
O'Neill, hon. E.
Paget, R. H.
Pakington, rt. hn. Sir J.
Parry, L. Jones-
Pemberton, E. L.
Playfair, L.
Powell, W.
Raikes, H. C.
Read, C. S.
Round, J.
Sandon, Viscount
Sclater-Booth, G.
Seymour, H. de G.
Sheridan, H. B.
Sidebottom, J.
Simonds, W. B.
Sinclair, Sir J. G. T.
Smith, A.
Smith, F. C.
Smith, R.
Smith, W. H.
Stronge, Sir J. M.
Talbot, J. G.
Tipping, W.
Tollemache, hon. F. J.
Tollemache, J.
Tracy, hon. C. R. D. Hanbury-
Vance, J.
Verner, E. W.
Verner, W.
Vickers, S.
Walker, Major G. G.
Walsh, hon. A.
Wedderburn, Sir D.
Whatman, J.
White, J.
Williams, W.
Wingfield, Sir C.
Wise, H. C.
Young, A. W.

TELLERS.
Charley, W. T.
Newdegate, C. N.

NOES.

Amcotts, Colonel W. C.
Antrobus, E.
Ayrton, right hon. A. S.
Bagwell, J.
Baker, R. B. W.
Barclay, A. C.
Barry, A. H. S.
Beaumont, H. F.
Beaumont, S. A.
Bentinck, G. C.
Blennerhassett, Sir R.
Bowmont, Marquess of
Bowring, E. A.
Brady, J.
Brassey, H. A.
Brewer, Dr.
Brogden, A.
Bruce, right hon. H. A.
Bryan, G. L.
Callan, P.
Cardwell, right hon. E.
Carter, Mr. Alderman
Cartwright, W. C.
Castlerosse, Viscount
Cavendish, Lord F. C.
Cavendish, Lord G.
Cholmeley, Captain
Clay, J.
Clive, Colonel E.
Cogan, rt. hn. W. H. F.
Coleridge, Sir J. D.
Colthurst, Sir G. C.
Corbally, M. E.
Crawford, R. W.
Dalglish, R.
D'Arcy, M. P.
Dease, E.
Delahunty, J.
Devereux, R. J.
Dodds, J.
Downing, M'C.
Dowse, R.
Duff, M. E. G.
Edwardes, hon. Col. W.
Ennis, J. J.
Esmonde, Sir J.
Fagan, Captain
FitzGerald, rt. hn. Lord O. A.
Fletcher, I.
Forster, rt. hon. W. E.
Fortescue, rt. hon. C. P.
Gavin, Major
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Gourley, E. T.
Graham, W.
Gray, Sir J.
Gregory, W. H.
Greville, hon. Captain
Grieve, J. J.
Hadfield, G.
Hartington, Marquess of
Haviland-Burke, E.
Hay, Lord J.
Henderson, J.
Howard, hon. C. W. G.
Hyde, Lord
James, H.
Johnston, A.
Kay-Shuttleworth, U. J.
Kingscote, Colonel
Knatchbull - Hugessen, E. H.
Lawson, Sir W.
Lefevre, G. J. S.
Liddell, hon. H. G.
Lowe, rt. hon. R.
Lush, Dr.
Mackintosh, E. W.
M'Mahon, P.
Maguire, J. F.
Marling, S. S.
Martin, P. W.
Melly, G.
Monsell, rt. hon. W.
Moore, G. H.
Mundella, A. J.
Munster, H.
Murphy, N. D.
O'Brien, Sir P.
O'Conor, D. M.
O'Conor Don, The
O'Donoghue, The
O'Loghlen, rt. hon. Sir C. M.
Onslow, G.
O'Reilly, M. W.
O'Reilly-Dease, M.
Otway, A. J.
Pease, J. W.
Peel, A. W.
Philips, R. N.
Pim, J.
Pollard-Urquhart, W.
Potter, E.
Power, J. T.
Price, W. P.
Ramsden, Sir J. W.
Rathbone, W.
Rebow, J. G.
Rylands, P.
St. Lawrence, Viscount
Salomons, Sir D.
Seely, C. (Lincoln)
Seely, C. (Nottingham)
Shaw, R.
Sherlock, D.
Simeon, Sir J.
Simon, Mr. Serjeant
Smith, E.
Stacpoole, W.
Stansfeld, rt. hon. J.
Stuart, Colonel
Synan, E. J.
Talbot, C. R. M.
Taylor, P. A.
Trevelyan, G. O.
Vandeleur, Colonel
West, H. W.
Woods, H.
Young, G.

TELLERS.
Adam, W. P.
Glyn, hon. G. G.

IRELAND—CASE OF MR. MADDEN.

MOTION FOR PAPERS.

LORD CLAUD JOHN HAMILTON rose to call the attention of the House to the circumstances connected with the dismissal by the Irish Government of Mr. John Madden of Hilton Park, Clones, from the Magistracy. His apology for taking this course was the importance of the questions it involved. Mr. Madden, a resident on his property, a model landlord and a loyal subject, had acted up to December last as a Deputy Lieutenant for the counties of Monaghan and Fermanagh, and justice of the peace for Monaghan, Leitrim, Fermanagh, and Cavan; and, during the twelve years he had been engaged in the administration of justice, his actions had been characterized by the strictest impartiality. Although a Protestant and a Conservative in politics, he had hitherto entirely abstained from taking any part in political or party meetings. On the 25th of November last Mr. Madden received a communication from the Under Secretary to the Lord Lieutenant of Ireland directing him to make all necessary preparation for assuming the office of High Sheriff for the county of Leitrim for the year ensuing. On the 6th of December following Mr. Madden replied as follows:—

"Hilton Park, Clones, county of Monaghan,
"December 6, 1869.

"Sir,—I beg to acknowledge the receipt of your letter of the 25th ult., informing me that I have been appointed High Sheriff of Leitrim, and ordering me—without any previous warning, which is contrary to the usual practice—to make the necessary arrangements for undertaking the duties of that office. While I am fully aware the law enables the Lord Lieutenant to give such an order, I feel it my duty to enter my formal protest against being called upon to serve under the present Administration, 'who have conducted the affairs of my unhappy country in such a way that, in less than a year, we have been reduced from a state of comparative prosperity' to a condition when law, order, and security for either life or property may be said to have practically ceased to exist, and the very fabric of society itself seems threatened with dissolution, when 'no man can tell whether he will be allowed to reap the fruits of his own industry,' or 'enjoy the property which his own money has purchased on the security of titles granted under the guarantee of the State;' when, too, I find myself, 'as an Irish Protestant landlord, in common with the rest of my brother landlords, held up by Members of the Government to the hatred of our Roman Catholic neighbours as 'oppressors of the poor' and 'exterminators of the people,' enriching ourselves by the 'spoils wrung from a defenceless peasantry'—when I consider these things, I can only say I solemnly protest being called upon to act as the chief guardian of the peace in the county of Leitrim, and I call upon the Government to recollect that this 'honour' has not been of my seeking.—I remain, Sir, your obedient servant, JOHN MADDEN.

"To the Under Secretary for Ireland,
Dublin Castle."

He (Lord Claud John Hamilton) did not stand there to justify the terms of that letter. He would not himself have written such a letter under the circumstances, and he thought its general sense might have been conveyed in terms more moderate and more dignified. But it was not a question for the House whether the letter was wise or not; but whether the action of the Government following upon that letter was just. On the 22nd of December, Mr. Madden received a reply from the Chief Secretary, in the following terms:—

"Dublin Castle, Dec. 21, 1869.

"Sir,—I am directed by the Lord Lieutenant to acknowledge the receipt of your letter of the 6th inst., and to state that you are quite in error in supposing that your appointment as High Sheriff was contrary to the usual practice, there being no deviation from the course invariably adopted of sending the usual printed letter, which you received, to the gentleman first on the list for the office of Sheriff. His Excellency cannot permit anyone to serve Her Majesty as High Sheriff who thinks proper, in reply to a communication appointing him to an office executive and non-political, to use language of studied insult to the Government of the Queen. I am further to state that for the same reason his Excellency has, under the powers vested in the Lord Lieutenant by the 8th section of the Act 1 and 2 William IV., cap. 17, signified to the Lieutenant of the county of Monaghan his pleasure that you should be removed from the office of Deputy Lieutenant of that county, and has requested the Lord Chancellor to consider the propriety of retaining your name in the Commission of the Peace.—I am, Sir, your obedient servant, C. P. FORTESCUE."

And on the following day, the 23rd of December, Mr. Madden received the following letter:—

"Lord Chancellor's Secretary's Office,
"Four Courts, Dublin, December 22, 1869.

"Sir,—I am directed by the Lord Chancellor to inform you that a copy of a letter addressed by you to the Under Secretary, in reply to a communication appointing you to the office of High Sheriff of Leitrim, has been submitted to his Lordship, at the desire of the Lord Lieutenant, with an intimation that his Excellency cannot permit you, in consequence of the studied insult conveyed by that letter to the Government of the Queen, to serve in the shrievalty of Leitrim, or hold the deputy lieutenancy of Monaghan; and a request that the Lord Chancellor may consider the propriety of any longer retaining you in the Commission of the Peace. The Lord Chancellor has accordingly given the matter his best consideration, and he has no doubt that such a letter, written on such an occasion, makes it his duty to remove you from the list of the magistracy. His Lordship cannot, with a due regard to the interests of the administration of justice and the maintenance of respect for legitimate authority, allow a gentleman to remain in the Commission who solemnly protests against being called upon to act as chief guardian of the peace in the county Leitrim, and scoffs at the 'honour' of serving the Queen in the important office to which he was nominated by Her Majesty's Judges and appointed by her representative. The Lord Chancellor has ordered that a writ of *supersedeas* shall be prepared for your removal from the Commission of the Peace for the counties of Monaghan and Leitrim.—I have the honour to be, Sir, your obedient servant, "CHARLES TEELING."

Thus in two days Mr. Madden was removed from the office of Deputy Lieutenant of the county of Monaghan and from the magistracy of the county of Leitrim and Monaghan. But he (Lord Claud John Hamilton) would endeavour to show that the pretext on which this was done was merely imaginary; that the allegations made against him by the Chief Secretary, on the part of the Lord Lieutenant, were wholly untrue; and that the peculiar circumstances of the case justified his making the solemn protest he did. The Chief Secretary said the Lord Lieutenant could not permit anyone to serve as a magistrate who thought proper to address himself in terms of "studied insult to the Government of the Queen." Now, before going further he wished to say he had no charge whatever to make against the Lord Lieutenant, whom he entirely absolved from all share in this transaction. Lord Spencer, as an Englishman but slightly acquainted with the affairs of the country over which he presided, was bound in matters of this kind to listen to the advice of his chief official. Lord Spencer had filled the office of Lord Lieutenant during a most critical time, and under circumstances made doubly difficult by the acts of the Cabinet on this side of the water, and ranked second to none in the long list of Lord Lieutenants who had governed Ireland. With regard to the pretext that Mr. Madden had offered a studied insult to the Crown, anyone who read the letter carefully would see he studiously confined his remarks to the Government and the Irish Executive, and did not in any way refer to Her Majesty personally. Doubtless all Governments in this country were Governments of the Queen; but as criticisms on the conduct of a Government were made entirely apart from any reference to the Crown, he was sorry that the Government had sought refuge in such an excuse. In his protest Mr. Madden stated that he could not serve under a Government which had found Ireland comparatively peaceful, and had brought it to the state in which it at present exists, and he further stated that he could not conscientiously exercise the duties of his office under such an Administration. Considering that a High Sheriff was the chief executive officer of the Crown in his county during his term of office, who could wonder that Mr. Madden should enter his solemn protest against being called upon to serve under the present Administration? Why, within three months he had seen a Protestant High Sheriff insulted and degraded by the Irish Executive, and a gentleman who was avowedly a partizan of the Government, a Liberal and a Roman Catholic, appointed over the heads of two gentlemen who were in the Judges' list. He therefore contended that Mr. Madden was perfectly justified in protesting against being called upon to serve under the present Administration. Then, was there any truth in the allegations in Mr. Madden's letter against the Government? The Royal Speech delivered at the opening of last Session was sufficient to show that Mr. Madden was perfectly justified in stating that "the present Administration found Ireland in a state of comparative prosperity." Mr. Madden also stated that "the Government had reduced the country to such a condition that law might be practically said to have ceased to exist," and he asked the House whether there had been any law in Ireland during the last six months? Could law be said to exist in a country where the Chief Justice on his way to court was stoned by a seditious and rebellious mob; when one of Her Majesty's Counsel, conducting a case on behalf of his client, was threatened with death if he fulfilled his duty; when the High Sheriff on the road to the court-house to swear in the grand jury was fired at, and when the very jurors themselves were threatened with death if they did their duty and did not perjure themselves? The Solicitor General for Ireland had been unable to obtain verdicts against seditious and disloyal papers; and at the trial of Barrett, in Galway last autumn, the Attorney General said that—

> "It is, unfortunately, too true that a feeling had been excited and maintained in this county respecting the trial of the prisoner of such an extraordinary character as renders it almost unreasonable on the part of the Crown to call on the gentlemen of this county to incur the risk—for such it unquestionably is—of discharging their duties as jurors. How and by what means this feeling has been engendered it is not now for me to say, but I believe that the agents of terrorism and intimidation have not been idle. A juror of the highest respectability, a magistrate of the county, was almost immediately after he left the jury-box, at the conclusion of the late trial, pursued through the streets of the town and grossly maltreated, because he was supposed to have entertained an opinion adverse to the prisoner upon the evidence adduced by the Crown at the trial, according to which he was sworn to find his verdict. He was guarded from his place of refuge to his hotel by a magistrate and a force of constables, who were themselves assailed by missiles; while the prisoner himself, in his passage to and from the gaol to the court, was greeted by crowds of no insignificant numbers in a manner and with a demeanour which must give rise to the most serious reflections, as indicating a sympathy with the crime with which the prisoner is charged."

After that, was not Mr. Madden justified in stating that law had practically ceased to exist in Ireland? With regard to Mr. Madden's statement that there was no security for life or property in Ireland, he had not to go outside the walls of Parliament for evidence. The speech of the Chief Secretary for Ireland on moving the second reading of the

Peace Preservation (Ireland) Bill, and the monstrous provisions of that Bill itself, showed what was the state of Ireland. For evidence in support of Mr. Madden's statement, that—

> "No man can tell whether he will be allowed to enjoy the property which his own money has purchased on the security of titles granted under the guarantee of the State,"

he referred to the way in which the Land Bill dealt with the property which every man had bought in Ireland since the establishment of the Landed Estates Court, and the security on which he had bought it, and contended that anyone reading the Bill would see how rotten that security was. Mr. Madden proceeded to say that as an Irish Protestant landlord he found himself, in common with the rest of his brother landlords, held up by Members of the Government to the hatred of their Roman Catholic neighbours, and in respect to that allegation it would be unnecessary, after what had been said in the recent debates, to do more than refer to the letter of the right hon. Gentleman the President of the Board of Trade in November, 1866, and to his speech at Edinburgh in November, 1868, to show Mr. Madden was perfectly justified in stating that Members of the Government had held him up, in common with his brother landlords, to the execration of the people of Ireland? All Mr. Madden's allegations could be proved to be perfectly true; and the only pretext which the Government had for passing upon him the tremendous sentence of dismissal was the sense in which he used the word "honour" at the end of his letter. With regard to the Lord Chancellor's letter of dismissal, he complained that he did not even write to Mr. Madden for an explanation, or for an assurance that the protest had actually come from Mr. Madden. He simply, upon the *ipse dixit* of the Lord Lieutenant, erased Mr. Madden's name from the commission of the peace with almost indecent haste. The presumption the Government wished to raise was, that Mr. Madden had offered an insult to the person of the Sovereign, and not to the Irish Executive. Those who were in the House in 1868 would remember how the right hon. Member for Buckinghamshire, on the occasion of his defeat on the Resolutions of the right hon. Gentleman, then Member for South Lancashire (Mr. Gladstone), proceeded to Osborne to have an audience of Her Majesty, and how, upon his return, he stated the substance of what had passed, and naturally in so doing was compelled to refer to Her Majesty. Thereupon the right hon. Gentleman the Member for South Lancashire, followed by the Commissioner of Works, the Secretary of State for War, and the Chancellor of the Exchequer, commenced a series of bitter taunts at the right hon. Member for Buckinghamshire for sheltering himself under the sacred name of Her Majesty, and things culminated when an hon. Gentleman, now a right hon. Gentleman, accused the right hon. Member for Buckinghamshire of "pomposity and servility," and offered a studied insult to the Government, which was as much the Government of the Queen as any Government, by accusing them of having crept into Office by unworthy dodges, and asserting they were nothing better than a party of cricketers. The dignified reply of the right hon. Member for Buckinghamshire would be long remembered, and from that time they had heard nothing of "pomposity" and "servility." But it happened that the present Government had done precisely what they unjustly accused their predecessors of having done. He had it on the authority of Sir Thomas Larcom that it was entirely unusual to apply the term "the Government of the Queen" in Irish official correspondence; the term used was "the Government," or sometimes "Her Majesty's Government." The letter from the Lord Chancellor was a very clever letter. "Studied insult" against whomsoever directed was a matter of deep regret; but if Mr. Madden had been guilty of using "studied insults" to the Government of the Queen, it should be remembered he was only copying the example set by those who had now constituted themselves his schoolmasters. He believed there was no precedent for the conduct of the Government under similar circumstances since the reign of Charles II., and that was in the case of Sir David Powlys, who, for a supposed insult to Lord Strafford and the Council, was treated in precisely the same manner as Mr. Madden, except that he was also confined in the Old Bailey during His Majesty's pleasure—an additional punishment which the right hon. Gentleman would probably be pleased to adopt in Mr. Madden's case also if he could. Why had not the Government adopted the ordinary course of fining Mr. Madden for his refusal to act? And why was Mr. Madden especially selected for dismissal? Other magistrates had been committing offences in open day by uttering inflammatory speeches which had been duly reported; and foremost among them stood the nobleman who was not only a magistrate, but also a maker of magistrates. The Earl of Granard, a nobleman who was as much distinguished by the irritability of his disposition as by the comeliness of his appearance, was Lord Lieutenant of Leitrim and *Custos Rotulorum*, duties which he discharged with diligence and ability. He was also a Knight of St. Patrick, and a faithful disciple of Cardinal Cullen, a warm friend of Chancellor O'Hagan, and an enthusiastic admirer of the right hon. Gentleman at the head of the Government. Lord Granard, by virtue of his offices, his birth, and ancient lineage, was looked up to by the gentry of the county of Leitrim as their natural leader. He presided at a meeting, held at Enniscorthy on the 16th of November, consisting of the usual enthusiastic "tenant-righters," many of whom wore green round their hats. Lord Granard, in his speech opening the proceedings, said, he was proud to address them on that

> "Classic ground, teeming, as it does, with the associations of the past and the aspirations of the present, within view of that historic hill where your fathers, lashed into armed resistance by the injustice of the times, made their last gallant stand."

Were hon. Members aware of the glorious associations of Vinegar Hill? Why, according to *Maxwell's History of the Rebellion in Ireland in* 1798—

> "Not less than 400 Protestants were massacred in Enniscorthy and on Vinegar Hill, the bodies of whom lay unburied during several days; and such was the cruelty of the 'rebels' that they would not suffer their female friends to perform the last act of humanity, nor even look at them, on pain of death. To increase the horror of the scene, the swine were suffered to prey upon the bodies."

Upon the same occasion the Rev. Mr. Doyle, a parish priest, made a speech in which he quoted extracts from an American newspaper, the purport of which was, that if landlords hid themselves in London to prevent themselves being shot, they were to shoot their agents, and if they could not get at them, they were to shoot their bailiffs; but that if they could they were to shoot all three together, and then, he added, that he foresaw that unless a radical change were made there would be terrible work in the country. On that very occasion the Earl of Granard hailed that clergyman as a patriot. [SIR JOHN ESMONDE: Was that after the speech?] It was after the speech. On another occasion, at Carrick-upon-Shannon, Earl Granard attended a meeting, at which landlords were denounced, and afterwards wearing his star of the Order of St. Patrick at a banquet to which the more select of the party were invited; and, in returning thanks, the noble Earl said that in presiding at that meeting he was, after all, doing that which was his duty as the Queen's representative in the county. At that hour, however, he would say no more than to ask whether it was fitting that Earl Granard, the Lord Lieutenant of his county and a magistrate of his county, should have taken this prominent part in, and have acquiesced in all that was said at this public meeting, at which revolutionary and incendiary language had been used? It appeared, however, that sedition might be spoken with impunity at all these meetings, whenever they were held in support of the Government; while the moment an unfortunate Protestant magistrate thought fit to call the Government to account for the state to which he conscientiously believed his country had been reduced by the acts of the Government, he was immediately dragged from his office, and the whole country was called upon to applaud the vigorous administration of the law by the Executive. In conclusion, he begged to move for Copies of Correspondence between Mr. John Madden, of Hilton Park, Clones, and the Secretary to the Lord Lieutenant of Ireland, in October 1869, relative to the proposed illegal party procession in Dublin, on Sunday, October 10th, and, of all Correspondence between Mr. Madden and the officials of Dublin Castle, including the Lord Chancellor of Ireland, in the months of December and January last.

SIR THOMAS BATESON, in seconding the Motion, said, that Mr. Madden was by no means to be confounded with a demonstrative gentleman of the same name — he was a quiet country gentleman residing on his property and attending to his duties; but he had dared to join issue with Her Majesty's Government, and therefore they had dismissed him from his office. Taking into consideration that Mr. Madden was smarting under the overthrow and plunder of his Church, and taking into consideration that he had been insulted by being invited to serve as High Sheriff of his county, of which Earl Granard was Lord Lieutenant; and, taking into consideration that the Lord Chancellor of Ireland had not noticed the "studied insult" of Mr. Butt, nor the conduct of the junior Member for Tipperary, who had made use of language on the hustings which he should repeat by-and-by to the House—he contended that it was not consistent with the rules of justice, equity, impartiality, or liberal policy, that Mr. Madden should have been deposed from his magistracy. The gist of the accusation against the Government was, that they did not administer the law impartially — that they meted out one measure of justice to the Ultramontane party, another to the National party, and another to the Protestants of Ulster. Had not Mr. Butt written a letter to the Under Secretary to the Lord Lieutenant, which was couched in the terms of "studied insult ?" Was not the language used by Mr. Butt in that letter as much a "studied insult" to the Government as anything that had fallen from Mr. Madden? But what had the Lord Chancellor done in his case? Next came the junior Member for Tipperary (Mr. Heron). The hon. and learned Member had been Law Adviser to the Chief Secretary for Ireland, and he was the Ministerial candidate for the county of Tipperary. The hon. and learned Gentleman appeared on the hustings wearing a large green scarf, and on it a harp without the Crown, and it was reported, and he believed it had never been denied, that at the hustings he called on the mob to give three cheers for the Fenian prisoners.

SIR JOHN ESMONDE rose to Order. He asked the Speaker whether it was in accordance with the rules of the House —as it certainly was to propriety—for an hon. Member to accuse a Member—in this case an absent Member—of having used language which he had denied in his place in that House?

MR. SPEAKER said, that as the language referred to by the hon. Baronet had been denied in that House by the hon. and learned Member for Tipperary, the hon. Baronet would be out of Order in persisting in his reference to the statement.

SIR THOMAS BATESON said, he would have been the last man to repeat the statement if he had been aware that it had been publicly denied. He now begged to withdraw the accusation. He knew that hon. Members on the Government side as well as on the Opposition side of the House were of opinion that what had occurred on the Tipperary hustings was derogatory to the dignity of the Government. He next came to Lord Granard. The noble Earl, in spite of the oath he took when he entered on the important duties of Lord Lieutenant of the county of Leitrim, and when he was elected a Knight of the illustrious Order of St. Patrick, had mounted a platform erected advisedly within view of Vinegar Hill. It was his sworn duty to maintain order and peace and the majesty of the law; but on that platform, in most significant terms, he alluded to the rebellious associations of Vinegar Hill; and he was president of the meeting at which Father Doyle used words which he thought every hon. Member would admit to be treasonable. He sat by while that reverend gentleman quoted an epistle from the other side of the Atlantic favouring landlord assassination. He was present ten days after when the landlords were held up to execration. Everyone had supposed that Her Majesty's Government would take some notice of this conduct on the part of Lord Granard, and he believed that by no other Government in the world would such language have been tolerated. But those who had so supposed, waited in vain. Her Majesty's Government appeared to be in a state of somnolency—they seemed to remain in a state of quiescence while language was used that almost drove the country into a state of rebellion. Sir Robert Peel, when in Office from 1841 to 1846, was at the head of a strong Government. The right hon. Gentleman now at the head of the Government had a majority equally strong as that which Sir Robert Peel commanded at that time; but he could not say that the Irish Government was equally strong. Sir Robert Peel was a great rhetorician; but he never made indiscreet utterances. He never had been obliged to publish a preface to tone down and explain his speeches. At one time he dismissed from the commission of the peace one of his best supporters—the Ven. Sir William Verner—because at a semi-private dinner he alluded to the Battle of the Diamond, which was one at which, in 1798, the rebels were worsted by the Protestant party. What did the right hon. Gentleman opposite do? He maintained in high, important, and influential office a nobleman who had alluded, and alluded, he might say, in laudatory terms, to the atrocities of Vinegar Hill, where the rebels held that post against the troops of the King for upwards of six weeks. But if Sir Robert Peel dismissed Sir William Verner, he also dismissed those magistrates who advocated the repeal of the Union and a severance between the two kingdoms. But what did Lord Chancellor O'Hagan? He merely exercised his energy and vigour against the loyal and the true. In seconding the indictment brought by his noble Friend against the Government, he thought he could not do better than adopt the language of an able Irish journalist who, referring to their conduct, described it, in terse and vigorous terms, as—

> "Cringing before treason, intriguing with disaffection; the Irish officials never using authority except against loyal men, and even then in the indirect, treacherous manner of self-conscious guilt."

Motion made, and Question proposed,

> "That there be laid before this House, Copies of Correspondence between Mr. John Madden of Hilton Park, Clones, and the Secretary to the Lord Lieutenant of Ireland, in October 1869, relative to the proposed illegal party procession in Dublin on Sunday October 10th; and, of all Correspondence between Mr. Madden and the officials of Dublin Castle, including the Lord Chancellor of Ireland, in the months of December and January last."—(*Lord Claud John Hamilton.*)

Mr. CHICHESTER FORTESCUE said, there was one peculiarity which struck him about the speech of the hon. Baronet who seconded this Motion, that he had not, in the course of his observations, made one single allusion to the case before the House. He had talked about all kinds of matters relating to Ireland, some of which had been disposed of already, and others of which were not worth disposing of; but he had not made one solitary reference to the case of Mr. Madden, which, in a way of which he certainly had no reason to complain, had been brought before the House by the noble Lord (Lord Claud John Hamilton). He (Mr. Chichester Fortescue) had been rather curious, when the hon. Baronet rose, to ascertain whether he was about to put to the Irish Government that portentous Question which some weeks ago he placed on the books of this House; but which he never put, rather to my regret—that Question, which was described by my right hon. Friend at the head of the Government as the longest and most complicated Question ever put by one human being to another; and if the hon. Baronet had put it to-night—at all events, if it had been at an earlier hour of the evening—he (Mr. Chichester Fortescue) probably would have thought it his duty to answer it in detail. As it was, he was happy to say that he should spare the House altogether, or almost entirely, that infliction. He would not trouble the House with the question of the personal letter written by Mr. Butt to the Under Secretary in Dublin Castle, with which they had nothing to do; nor need he trouble them with any other point outside the question of the dismissal of Mr. Madden from the magistracy; except one question on which he would for one moment touch—the conduct and language of Lord Granard at Enniscorthy—though this also had nothing whatever to do with the dismissal of Mr. Madden from the magistracy—an act which it became the painful duty of the Irish Government to perform. There seemed to be an idea—which had been very prominent indeed in the speeches and publications in Ireland on behalf of Mr. Madden and against the action of the Government—that the dismissal of that gentleman from the magistracy was an invasion of the independence of the Irish magistracy—was an attack on their freedom of conduct and of action; and a great deal of language of that kind had been held. He could not enter even for a moment into this case without protesting in the strongest terms against any such idea as that. The Irish Government had had no wish or idea—as they had proved in many respects during the last twelve months—of interfering with the perfect freedom of speech and action of any gentleman in Ireland, whatever his politics, or of any magistrate or official in that country, within the bounds of the Constitution. The question relating to Mr. Madden was one not of speech, or of writing, addressed to the public, but of an official letter addressed by way of answer to an official communication from the Lord Lieutenant of Ireland. But if, without the slightest shadow of reason, the language and conduct of Lord Granard at Enniscorthy must be connected with this case, all he had to do was to inform the House why the Lord Lieutenant of Ireland did not deem it his duty to take any official cognizance of the language or conduct of that noble Lord on that occasion. Lord Granard, like other men in public positions, must abide the criticism of the public. That criticism was a very wholesome and very useful process, from which Lord Granard had no reason to expect that he would escape, and he (Mr. Chichester Fortescue) was not here to say he thought he could altogether escape from it. All he had to say was, that the Lord Lieutenant of Ireland, on a careful consideration of the matter, did not deem it his duty to enter into an official correspondence with Lord Granard with respect to the circumstances of that Enniscorthy meeting —a correspondence which he wisely and prudently—and a prudent man he is—determined not to engage in unless he saw his way to take further action in the matter; which he did not think, under the circumstances, was possible. As to the language of Lord Granard itself, he was not there to say that it was prudent or discreet, or such as anyone would recommend to a person in his position on such an occasion. At the same time, he was bound to say, in the strongest terms, that, on the very face of that language, it was evident that any notion of anything approaching to sedition, or opposition to the law, or disloyalty to the Sovereign and Constitution, was absolutely wanting from the beginning to the end of that language. Nor did this rest upon his own interpretation of that language; for, fortunately, there was a letter in which Lord Granard gives the interpretation of his own words. After the speech at Enniscorthy, the Lord Lieutenant of the county of Westmeath addressed a letter to the Lord Lieutenant of Ireland referring to the speech of Lord Granard, and calling upon the Lord Lieutenant to consider whether Lord Granard should continue to be lieutenant colonel of the Westmeath Militia, and what action ought to be taken in the matter. The Lord Lieutenant, in his letter in reply, said that whatever might be the opinion as—

> "To the prudence or good taste of the allusion to the 'historic hill,' your Lordship's opinion that the speech was seditious could not be maintained, nor do I think that I can pursue the matter further with advantage to the public service."

That letter of Lord Spencer's was forwarded to Lord Greville of Clonyn, who was then acting as Vice Lieutenant of Westmeath, and by Lord Greville it was also forwarded to Lord Granard. Lord Granard's answer to Lord Greville was couched in these terms—

> "My Lord,—I have the honour to acknowledge the receipt of your letter of the 26th instant, enclosing to me copies of a correspondence between his Excellency the Lord Lieutenant and the Marquess of Westmeath, relative to the commission I hold in the regiment under your Lordship's command, and to thank you for making me aware of an accusation which, if I conceived it necessary, I should repel with the utmost indignation. I never made, nor intended to make, a 'seditious' speech at Enniscorthy, and I have yet to learn that an historical allusion, contrasting the misgovernment of former days with happier days under the beneficent rule of Her Majesty, is to be construed into 'sentiments utterly disgraceful and unbecoming to anyone wearing Her Majesty's uniform and holding a commission in Her Majesty's service.'"

He (Mr. Chichester Fortescue) referred to that to show the interpretation placed by Lord Granard on his own words, because, without for a moment defending the prudence of those words, the meaning of them could not be questioned for an instant by anyone; and it was his conviction that it was absolutely impossible that any question should be raised upon it by the Irish Government. It was true that a speech was subsequently made in his presence by a rev. gentleman which it was impossible to read without deploring and condemning. He (Mr. Chichester Fortescue) was not there to excuse or defend that speech; but the whole matter resolved itself into this—whether, because a speech of an objectionable character was made by an excited individual at a huge excited open-air meeting in the presence of Lord Granard, without any interference on his part, the Lord Lieutenant of Ireland was under compulsion to interpose, and to call that noble Lord to account because he had not sufficient presence of mind to call the speaker to order, if, indeed, he had heard the particular words which are now well-known to the world from newspaper reports. The Lord Lieutenant did not think it was incumbent on him or that it would be useful for the public service in the case of a nobleman of whose entire loyalty no question could be entertained by anyone in that House, or out of it, whose attachment to the Crown and Constitution was beyond the very shadow of suspicion—he said his noble Friend did not think it would have been useful to the public service to take any notice of the matter. As he had said, Lord Granard's words at the meeting had nothing whatever to do with the question of Mr. Madden. Mr. Madden was not removed from the magistracy on account of words used by him at a public meeting, or of any letter to the public or anyone else. Mr. Madden was removed on account of language held upon a strictly official, and not a political, occasion, in answer to a letter addressed to him in the name of the Lord Lieutenant, which it was the Lord Lieutenant's duty to address to him, and which it was Mr. Madden's duty, like other men, to answer in a proper and becoming spirit. He would tell the House what that language was. Mr. Madden having received the ordinary official letter calling upon him, as first upon the Judges' list, to serve in the office of Sheriff, made use of that particular occasion for the purpose of giving expression to the most violent and extravagant party feeling in answer to the Lord Lieutenant. He was not now going to enter into the truth or falsehood of the allegations in question, with which he had nothing to do; but he would not pass them by without saying that they were absurd, extravagant, and preposterous to the last degree, that they contained nothing which had not been refuted over and over again, and that their very extravagance in the eyes of all impartial men must refute them. But he did say that the occasion which Mr. Madden used for the purpose of venting these party passions on the representative of the Queen was so totally unfit and improper that it was impossible for the Lord Lieutenant to pass it by without notice. Passing over many violent words, the end of the letter was this—

> "When I consider these things, I can only say I solemnly protest against being called upon to act as chief guardian of the peace in the county of Leitrim, and I call upon the Government to recollect that this 'honour'" (the word honour being in inverted commas) "has not been of my seeking."

Now, he would say, that by that letter of this gentleman, the Lord Lieutenant was put in a position from which there was no escape but by the course that was taken. Was the Lord Lieutenant to allow Mr. Madden to serve as Sheriff? Mr. Madden did not refuse to serve. If he had refused, means might have been taken to compel him to do so, or a penalty might have been inflicted; but he did not refuse. He was ready to accept the office of Sheriff on his own terms. But he (Mr. Chichester Fortescue) submitted to the House that it was impossible for the Lord Lieutenant to accept Mr. Madden as Sheriff on these terms. On the other hand, was it possible to allow Mr. Madden to escape the office of Sheriff on his own grounds? It would have been a very agreeable thing for Mr. Madden if the Lord Lieutenant were to say—"Very well, we will not ask you to serve." But in the opinion of the advisers of the Irish Government it was impossible to allow Mr. Madden, merely because he had made an improper use of opportunity given him, to escape from the duty of Sheriff; for, while they decided that Mr. Madden should not be Sheriff on his own terms, they were equally decided that he should not escape, and they considered that if Mr. Madden refused and protested against acting as chief guardian of the peace of the county it was equally impossible that he should act as guardian of the peace in any sense. The Lord Chancellor answered Mr. Madden in these words—

> "His Lordship cannot, with a due regard to the interests of the administration of justice and the maintenance of respect for legitimate authority, allow a gentleman to remain in the Commission who 'solemnly protests against being called upon to act as chief guardian of the peace in the county of Leitrim,' and scoffs at the 'honour' of serving the Queen in the important office to which he was nominated by Her Majesty's Judges and appointed by her representative."

That was the view of the Lord Chancellor and the Government, in refusing to allow Mr. Madden to dictate his own conditions and either to serve or to escape from serving the duties of Sheriff on conditions utterly inconsistent with the honour of any Government, and which in Ireland would be fatal to all authority. Now, on this subject the same misapprehension prevailed not only in the language they had heard to-night from the Mover and Seconder of the Resolution, but still more in the public Press, and in the declaration signed by a number of magistrates. Mr. Madden said—

> "Every British subject, as I take it, has a right to find fault with the administration of public affairs when they think the conduct of the servants of the Crown is open to censure. I presume the Lord Chancellor will not deny that. I have done no more."

Now, who for one moment denied that any man, whether magistrate or not, had the right to criticize and condemn the conduct of the Government? Mr. Madden might have done what a great many gentlemen in the North of Ireland have done with the utmost freedom. But the allegations which were made in this case only showed the entire misconception this gentleman entertained of his own conduct and position — a misconception not confined to him, but, he was sorry to say, shared in by a number of his brother magistrates as to the conduct of the Government. He (Mr. Chichester Fortescue) desired, therefore, to state, in the strongest terms, that nothing could be further from the intentions or wishes of the Government than to interfere in the slightest degree with the perfect freedom of speech and action of the magistrates of Ireland, or with the perfect independence of that body; and nothing but the conduct of Mr. Madden, who unfortunately put himself in a position with which the Government believed they could deal in no other way, could have compelled them to take the course they had adopted. But they had been told to-night that such an outrageous act of authority as this was never heard of before. He did not wish to rest the case of the Irish Government and the Lord Lieutenant upon any accidents; but he did mean to say that so extreme and so excessive was the violence of party passions in Ireland that these cases did sometimes from time to time occur, and former Governments had found themselves compelled to act in a similar way, and their actions had been approved by all parties and by all Governments. A few years since, as those who were acquainted with the North of Ireland would remember, occurred the case of Mr. D'Arcy Irvine, who was removed from the Commission of the Peace for conduct which fell far short of the course taken by Mr. Madden as against the Lord Lieutenant. In consequence of the very violent protest which he addressed to the Government in his capacity of magistrate, he was removed from the commission of the peace by the Government of the day. But, going back a few years further, there was a case singularly on all fours with the present—namely, that of Mr. St. George, a Galway magistrate. The appointment of stipendiary magistrates was very much resented by some of the Irish county magistrates. Mr. St. George, who was one of these, wrote a letter which, while professing the greatest possible loyalty to the Queen, said—

> "I have, therefore, to request that you will convey to his Excellency the Lord Lieutenant my strong remonstrance against this uncalled for, discourteous, and unjust insult to the magistrates and resident gentry of the neighbourhood. . . . . The moral injury has been done—the sacrifice to the Moloch of agitation has been made, and the remembrance thereof cannot be effaced."

He continued—

> "My first impulse was to have resigned my office into the hands of him who has now, for the first time, thought fit to consider me unworthy to hold it independently; but as, by so doing, I should carry into effect the views of those who have suggested to the Government their present measures, I prefer to await the more distinguished honour of a public dismissal, should I be thought worthy thereof."

Mr. St. George, by his voluntary act, placed himself in the same position as Mr. Madden had done—a position from which there was no escape except by the unpleasant process which the Irish Government had been obliged to take. Some fix or six years afterwards Mr. St. George was restored to the commission of the peace, upon the application of his brother magistrates, supported by the Lord Lieutenant of the county (the Marquess of Clanricarde). Questions were asked in both Houses of Parliament on the subject. The then Chief Secretary (Lord Eliot), in reply, stated that—

> "The Lord Chancellor (Sir Edward Sugden), however, was so strongly impressed with the impropriety of the letter, viewing it as an insult to the representative of the Sovereign, that he refused to comply with the application until an explanation had been given. Such an explanation had been given as had satisfied the Lord Chancel-

lor; and he, of his own motion, but with the entire concurrence of the Lord Lieutenant, had reinstated Mr. St. George."

And in the House of Lords the Duke of Wellington vindicated the conduct of the Government, saying that, after the letter of Mr. St. George—

> "He could not do otherwise than say that, in his opinion, the noble Lord at the head of the Irish Government could not have done otherwise than desire that Mr. St. George might be dismissed from his office."

Undoubtedly it sometimes occurred that questions of the highest character and honour were carried beyond the bounds of public propriety; and when such cases did occur, the painful necessity was laid upon the Irish Government of acting as they had been compelled to act in the present instance. Irish Governments—he could, at all events, answer for the present Irish Government—were anxious to avoid adopting such a course if they could do so consistently with the authority and dignity of the Government they were bound to protect. But, in maintaining that it was the duty from which they could not escape to take this course in respect to Mr. Madden, in consequence of the position in which he had chosen to put himself by his own act, he could not sit down without ending, as he began, in declaring in the strongest terms that the act of the Irish Government did not in any way contemplate any interference with perfect freedom of action and speech of the Irish magistrates, and that it implied no attempt or desire to interfere with their perfect independence. They knew that language, certainly of the strongest and sometimes of the most violent character, may have been used by Mr. Madden and others, and was used during the period of strong party feeling that had existed during the past twelve months without any interference on the part of the Government; and nothing but the position in which Mr. Madden put himself by an answer of the most improper kind directed, upon an official and non-political occasion, to the head of the Irish Government, would have compelled or justified the Irish Government in taking the course they had adopted. That course, in his belief, was not only rendered necessary by a sense of duty, but was necessary for the safety of the authority of all future Irish Governments.

Mr. Chichester Fortescue

MR. MOORE thought it absolutely necessary to say a few words in defence of an absent man. He regretted that the noble Lord who had brought forward this Motion (Lord C. J. Hamilton) with so much ability should not have confined himself more to the question which he had introduced, and should have dwelt upon so much that was irrelevant. One of the statements which the noble Lord made was particularly painful to him, because it related to a friend of his, of whom he had lost sight of for many years, but who he now heard subjected to the accusation of using most improper language. He referred to the Rev. Thomas Doyle, who had been accused of using language which, if correct, he, for one, should be sorry to defend. That gentleman had furnished him with the report of his speech, a copy of which he furnished the day after it was delivered to a Wexford paper. He had asked him to read certain extracts, which were, in fact, the extracts corresponding to those portions of his speech which had given rise to these charges. He would neither assail nor defend, but would simply read the extracts, which were as follows:—

> "Was the earth created only for Emperors, Kings, and Governments? [A Voice: No, no!] Was it created for an aristocracy, or for those whom George Henry Moore calls an oligarchy of buckeens? [*Cheers, and* 'No, no!'] God alone has supreme dominion over the land, and he created it that the people might occupy it and live upon. You have just as good a right to occupy the land of your birth as the landlords [*Cheers*]; and any law made by man to deprive you of that right of occupancy is a violation of the natural law. . . . My first mission was in New Ross in '46-7, and there I witnessed scenes in the town and in the workhouse that made me proclaim undying war against landlord law. . . . This tyranny has become intolerable—it can be borne no longer. . . . [*Cheers.*] Only a short time since a fox cover was burnt, likely by accident, and there was great commotion about it, and a gentleman made a speech in favour of the fox, and said he hoped the farmers would not grudge him a fowl for his breakfast. . . . But the poor of Killesk were driven out in the snow; a dying woman, Mrs. Murphy, had to receive the last Sacraments under the ditch; I saw the snow water dripping down into the deathbed of the aged Mrs. Ryan; for them there was no compassion, no protection. ['Shame!'] Yes, the words of our Divine Redeemer are fulfilled to the letter —'The foxes have their holes, and the birds of the air have their nests wherein to lay their young, but the Son of Man has not whereon to lay His head.' . . I say this is an alarming state of things. We may preach, and our Bishops may write pasto-

rals; but there are other pastorals—other missives coming across the Atlantic every day, which are read by thousands, which are carried by the penny Press into every cottage in the land. To one of these I beg to call the landlords' special attention, not as a threat—God forbid—but as a friendly, a salutary warning. Mr. John Mitchel has great influence with the Irish race all over the globe. [*Cheers.*] Only a short time since both branches of the Fenian organization offered to make him their leader. I will read for you the advice lately given by Mr. Mitchel to the Irish peasantry. You may condemn it, but you cannot ignore it; you must deal with it as a fact. He says—'If the landlord evict you unjustly, shoot him like a mad dog.' [*Cheers and laughter.*] It is not a matter for laughter, but for very serious and painful reflection. 'If the landlord unjustly evicts you (he says) shoot him like a mad dog. Should he hide himself in London, then shoot the agent or the bailiff, or all three. It is a desperate remedy, but it has become unavoidable.' We may deplore, we may condemn, we may denounce this teaching; but there it stands a fact, not to be despised."

Now, of course, it might be said, and said truly, that passages like these were to be judged not merely according to the effect they would produce on a reasoning and dispassionate mind, but according to the impression they were calculated to produce on an excited and impassioned assembly. At the same time, hon. Members must recollect that the scenes of savage cruelty enacted during the course of the evictions of 1846 and 1847, and of which Mr. Doyle was a witness, were cited in that House with indignant and romantic pathos by the late Sir Robert Peel, and yet neither the Legislature nor the Executive stirred hand or foot in order to prevent them. Therefore, he maintained that when this rev. gentleman thought proper to allude to those terrible scenes of which he had been a witness, alongside with other atrocities committed by other misdoers, it was not with a desire to make light of what he should call the 5th, but what most hon. Members would call the 6th commandment, for he pointed out with great theological accuracy a number of ways in which men might be guilty of its infraction. In regard to what had been said about Vinegar Hill, he would admit that there rebels fought against the Government; but against what kind of Government and what kind of men did the people rebel? He would read a description of those men which was written by the great Lord Chesterfield, when Lord Lieutenant of Ireland, and he called him great because he believed history had not done justice to that nobleman's wisdom and energy. The letter in question was addressed to an Irish Protestant Bishop, and bore date the 1st of October, 1764. It contained the following passage:—

> "I see that you are in fear again from your Whiteboys, and have destroyed a good many of them; but I believe that if the military force had killed half as many landlords it would have contributed more effectually to restore quiet. The poor people in Ireland are used worse than negroes by their lords and masters, and their deputies of deputies of deputies. For there is a sentiment in every human breast that asserts man's natural right to liberty and good usage, and that will, and ought to, rebel when provoked to a certain degree."

It was against such men that the people of Ireland rebelled. No doubt it was true that great excesses were committed by the peasantry; but were none committed on the other side? Although he protested against the internecine atrocities which he hoped were about to cease in Ireland, he must confess he felt an interest in every spot on the face of the globe—however illustrious and however obscure—from Marathon to Vinegar Hill, on which men had stood up against oppression.

COLONEL STUART KNOX moved the adjournment of the debate.

SIR THOMAS BATESON wished to state that he had been informed that it was by Lord Normanby, not by Sir Robert Peel, that Sir William Verner had been dismissed from the magistracy in 1839. Sir Robert Peel dismissed the Repeal-men.

Debate *adjourned* till *Tuesday* next.

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, 30th March, 1870.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Party Processions (Ireland) [26]; Medical Acts Amendment [40], *debate adjourned;* Survey of Great Britain, &c.* [90]; County Courts (Buildings)* [91].

Second Reading—Referred to Select Committee—Felony [9].

Committee—Attorneys' and Solicitors' Remuneration * [6]—R.P.

FELONY BILL—[Bill 9.]

(*Mr. C. Forster, Mr. Locke King, Mr. Osborne Morgan.*)

SECOND READING.

Order for Second Reading read.

Mr. C. FORSTER, in rising to move that the Bill be now read a second time, said, its object was to abolish the law which forfeited to the Crown the property of any person convicted of felony. It was identical with the Bill which he had introduced in 1864 on the same subject. The history of the question since that time, however, afforded a striking illustration of the difficulties with which private Members had to contend in endeavouring to pass through that House the simplest measure of public utility. Before 1864 the proposed legislation had been twice recommended by the Statute Law Consolidation Commissioners, and when he introduced his Bill it was received with every mark of favour, and the House passed the second reading by an unanimous vote. Subsequently, however, he had great pleasure in relinquishing the question into the hands of the Attorney General of the day—his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer)—who introduced a Bill dealing with it in 1866, which, although he regarded its provisions as somewhat too complicated, distinctly recognized the principle of abolition of forfeiture, and afforded the means for the settlement of the question. That measure was welcomed as an important step in the path of legal reform; but after it had passed, without a division, through the House of Commons, a change of Government occurred, and the subject not having been taken up by the new Ministry, the Bill was allowed to drop. In the following Session, the Secretary of State for the Home Department (Mr. Walpole) expressed his approval of the principle of the measure introduced by the hon. and learned Member for Richmond, but wished to see it carried out by different machinery, and the political complications and Dissolution of Parliament, which occurred shortly after the announcement, left the matter in the same state as when he first took it up. Nothing would have given him greater satisfaction than to leave the question to be dealt with by the present Attorney General; but as the hon. and learned Gentleman had stated last Session that the Government did not propose to deal with the subject, he felt himself reluctantly compelled again to bring it under the notice of the House. The Bill of the hon. and learned Member for Richmond provided for the appointment of curators, in whom the property of felons was to be vested. That measure was far less liberal than his own, inasmuch as under it the expenses were to come out of the felon's property. He could not but think that when any act was right to be done, the best way was to do it in the simplest manner; and, therefore, instead of involving himself in the complicated details of his hon. and learned Friend, he preferred to revert to his Bill of 1864, which had been designated as the shortest Bill ever laid before Parliament. Its principle had received the approval, among others, of Chief Justice Whiteside, the Chief Baron of the Exchequer, and Vice Chancellor Malins, and he had recently received letters from many eminent legal gentlemen to the effect that it would afford the most convenient mode of settling the question. The hon. Member for Leeds (Mr. Wheelhouse) had suggested that it should abolish the distinction between felony and misdemeanour; but, although that was desirable, it was not within the scope of the present Bill, which was to give a simple remedy for an oppressive injustice. The species of civil death against which this measure was directed was peculiar to this country. In other countries of Europe the convict was allowed to dispose of his property, even in those cases in which a capital sentence was carried into execution. Hon. Members might remember the case of a notorious murderer abroad, of whose last moments full details were given, special mention being made of his testamentary disposition, and he, for one, could not understand why because the offender was punished the innocent should be compelled to suffer. There were, moreover, many misdemeanours, such as night poaching, perjury, and the various forms of conspiracy for which the sentences passed were heavier than for the majority of felonies; and yet he had never heard it contended that any inconvenience arose from leaving persons convicted of the former class of offence the control of their property. How often did it now happen that when prisoners, who were sentenced for some trifling larceny, were obliged to hand over any money they might have about them to the Sheriff, as the representative of the Crown, instead of leaving it for the support of their wives and families, a feeling of sympathy was excited in their favour, instead of a feeling of reprobation being produced against their crime? It was, indeed, contended that the Crown, upon proper representations being made to it, was ready to forego its rights in such cases; but, even if that were literally the fact, it furnished no good reason why a law, which was a blot on our jurisprudence, should be allowed to continue. He found that out of £1,200 which had been forfeited to the Crown in 1864, £400 had been returned; while out of a sum of £1,589 forfeited in 1868, £1,112 had been returned; and he would put it to the right hon. Gentleman the Chancellor of the Exchequer whether, with all his zeal for the public revenue, it was desirable for so small an amount that a right which was so cruel in its operation should be maintained. When the subject was last before the House, he had mentioned the case of an ironmaster, with a large trading connection, against whom a verdict of manslaughter had been returned by a coroner's jury, in consequence of a fatal accident having occurred through the carelessness of his superintendent in his absence. That verdict was afterwards quashed, and the gentleman in question had since died, his death, it was said, having been accelerated by the shock which his constitution had received by his dread of the forfeiture of his property. After the verdict he retired from his trading connection, because he would not subject his property to a peril which no care on his part might be able to prevent. Was it desirable, he would ask, that in a great trading community like ours such an impediment in the way of commerce should be permitted to continue? In the present state of the law, innocent persons, when accused of felony, were frightened into executing a deed transferring their property to others, and there had been cases where the temporary trustees had refused to reconvey the property confided to them on the acquittal of the innocent parties. Forfeiture of the property of a felon was unknown in the earlier history of the Roman Republic. We first hear of it in those dark and troublous times which seemed too truly to presage the fall of liberty; and in the succeeding period it was exercised by some of the worst of the Emperors, who found in it an additional motive for their assassinations and judicial murders. It was never resorted to by Augustus, Trajan, or any of those Cæsars whose names have come down to us as the benefactors of their age; while, by the code of Justinian, it was limited to the single case of treason. Sir, when the feudal system succeeded to the Roman, forfeiture was recognized as one of its necessary incidents, the forfeiture of the fee to the lord by the felony of the tenant being the inevitable termination of the contract between them. But the feudal age was not the golden age of jurisprudence. As the nations emerged from barbarism, the first indication of civilization had been the repudiation of this penalty. It was repudiated by the Code Napoleon, and that it remained so long on our statute book was only to be accounted for by the conservative spirit in which all advances were made in this country. It was clearly opposed to all recent legislation; and he could not but think that, in a Reformed House of Commons, composed so largely of Liberal Members, a grievance of this magnitude need only to be mentioned to be abolished; and he therefore, with confidence, moved that the Bill be now read a second time.

Motion made and Question proposed, "That the Bill be now read a second time."—(*Mr. C. Forster.*)

Mr. OSBORNE MORGAN said, he looked upon the measure as one of those short and simple, and at the same time useful, enactments which went to relieve the statute book from the reflection that it was so complicated and involved as to be almost unintelligible. The practice of forfeiture of a felon's goods had survived the circumstances which called it into existence, and it was unsuited to the exigencies of modern society. The law upon the subject was so full of subtleties and unmeaning distinctions, and so much involved in obscurity and perplexity, that it was difficult even for a lawyer to state what the precise effect of a conviction was in regard to forfeiture. Even an acquittal for felony now sometimes involved penal consequences. An innocent but nervous man running away from a charge of felony might suffer the forfeiture of all his goods and chattels. The fact that the Crown frequently did not avail itself of its strict rights also seemed to him a powerful argument for the Bill. No doubt the Bill touched upon a question of great magnitude; but, on the principle that half-a-loaf was better than no bread, he would accept it with pleasure rather than wait for a comprehensive measure.

Mr. JESSEL said, the best thanks of the House were due to the hon. Member for Walsall (Mr. C. Forster) for his exertions in this matter. He (Mr. Jessel) thought a Bill of so much importance would have been with more propriety intrusted to the Government; but, having regard to the number of subjects they had undertaken to deal with this Session, he thought they must be excused for leaving it to private Members, and that being so he would do all in his power to make this measure as perfect as possible. He did not think there could be two opinions as to the principle; but the Bill required considerable amendment before it passed into law. The common law of England, by which these forfeitures were created, was a mass of inconsistencies; and the penalty was open to the objections that it attached to felony and not to misdemeanour, and that, practically, it was enforced only in exceptional and occasional circumstances. There could be no imaginable reason why forfeiture should follow upon a conviction for felony and not upon one for misdemeanour, which was often a much graver offence. In the absence of any reasonable ground for the distinction lawyers had been compelled to substitute the effect for the cause, and to say that a crime involving forfeiture was a felony, and that a crime that did not was a misdemeanour. In this case our own law was opposed to that of every other nation in Europe, all of whom had abandoned the system of forfeiture for crime, and substituted for it a more rational system. The principle of the Bill was sound, because it abolished a law which was unequal and unfair in its operation; the forfeiture not being proportioned to the gravity of the offence, but to the amount of property which the offender happened to possess. The Bill would, however, require some modification in its details. Its title was open to objection. It purported to be a Bill to abolish the forfeiture of lands and goods on conviction for felony. As the law stood the fee simple of lands was not forfeited; but formerly when a person had been convicted of a capital crime and sentenced, the Sovereign took the lands for a year and a day, and then the lands escheated by reason of the convict's corruption of blood; the effect of that old law was that the convict could not hold land, and no one could inherit it. Lands were thus escheated either to the Crown or to the lord of the manor, and if the principle of this Bill was to be carried out, the law of escheat must be abolished. This corruption of blood had been limited by an Act of George IV. to cases of treason and murder, and it was now quite time it was altogether done away with. The Bill should also meet all cases in which the goods of a felon were now forfeited. The Continental codes all recognized the right of a person robbed to recover from the effects of the thief, if he had any, the value of the property stolen, not limiting the restoration to the actual stolen property or the proceeds of it. That had never been the case under our law, and could not be as it stood; but he thought it was sound in principle. Besides this, in his opinion they should follow the Continental laws in so far as they made the property of felons liable for compensation in cases of murder and of maiming, the jury fixing the amount and leaving it to the prosecutor to levy the amount on the felon's goods. That would be an incentive to private persons to prosecute, and would deter persons from compounding felonies. He thought that the present law, by which persons convicted of felony lost their right to any pension that they might hold under the Crown or from the public, ought to be maintained. When they were altering the law they should not be above taking a lesson from their Continental neighbours, who followed criminal convictions with what was known in foreign countries as "the loss of citizenship." An unfortunate recent occurrence, connected with the proceedings of that House, suggested for consideration whether it would not be well to enact that a person who had been convicted of an infamous offence should thereby be rendered incapable of holding any office under the Crown and of sitting in either branch of the Legislature. He hoped the Bill would be referred to a Select Committee.

MR. BRUCE said, that the Government would not only consent to the second reading of the measure, but would facilitate its further progress by every means in their power. The observations of the hon. Member for Dover (Mr. Jessel) must have convinced the House that the subject could not be dealt with in the brief and simple manner proposed by the Bill as it now stood; and it would be well worth while to legislate upon it more thoroughly and efficiently, in the sense indicated by the hon. Member for Dover, even at the risk of occasioning a little delay. The law, as it now stood, was utterly indefensible—so indefensible that it was inexplicable that it should have been allowed to remain so long in its present condition. It involved sometimes the loss of a few pence—at others that of thousands of pounds—without any reference to the respective merits of the two cases. The uncertainty of the operation of the law was also very objectionable. The more the operation of the law was fixed and certain, and the less that was left to the discretion of the Executive Government, the better; that was a rule that applied to all cases, and in this among others. He doubted whether it would be desirable to encumber the Bill with the provision suggested by the hon. Member for Dover, for disqualifying persons once convicted of felony from holding an office under the Crown or a seat in either House of Parliament; but he quite agreed with what had fallen from the hon. and learned Gentleman in reference to the adoption in our law of the practice common in Continental codes, of entitling the injured person to recover compensation out of the property of the man who had robbed or maimed him. He thought the suggestions on that head contained in the Government Bill of 1865 would form a good basis of operations. The discussion that morning had proved that this subject was ripe for legislation, and that a measure should be passed much larger in scope and more effectual in its operation than the Bill in its present form. By referring it to a Select Committee those improvements could be accomplished, and he therefore hoped that his hon. and learned Friend the Member for Walsall (Mr. C. Forster) would not object to that course.

Motion *agreed to.*

Bill read a second time, and *committed* to a Select Committee.

And, on April 4, Committee *nominated* as follows:—Mr. CHARLES FORSTER, Sir ROUNDELL PALMER, Sir COLMAN O'LOGHLEN, Mr. GORDON, Mr. OSBORNE MORGAN, Mr. JESSEL, Mr. WEST, Mr. LEIGH PEMBERTON, Mr. AMPHLETT, Mr. GOLDNEY, and Mr. GEORGE GREGORY:—Five to be the quorum.

PARTY PROCESSIONS (IRELAND) BILL.

(*Mr. William Johnston, Viscount Crichton, Captain Archdall.*)

[BILL 26.] SECOND READING.

Order for Second Reading read.

MR. W. JOHNSTON said, he rose to move that the Bill be now read a second time. As it was identical with that which he introduced last year, he would not enter into details. The Act it proposed to abolish was passed in 1850, and admitted by all parties to have been eminently unsatisfactory in its working, besides having been administered with great partiality. It was with peculiar pleasure that he was present at a meeting in Belfast, presided over by the Duke of Abercorn, when he moved the following resolution:—

> "That inasmuch as the Party Processions Act has greatly exasperated party feeling, and led to the disturbance of the public peace, this meeting is strongly of opinion that a law which experience has proved to operate most unfairly against one particular section of the population, and which has remained a dead letter in its operation as regards other portions of the population of Ireland, is unjust and should no longer be allowed to remain on the statute book."

That represented the feeling of the population of Ulster. On the part of the loyal Orangemen of Ulster, he could safely say that it was never their design, in any of their demonstrations, to offer the slightest offence to any of Her Majesty's subjects, or to hurt the feelings of their Roman Catholic fellow-countrymen. He thought that, in the eyes of reasonable men, the real offender was not the peaceable citizen, who paraded the streets with a green banner or an orange scarf, but the ruffian whose political insanity made him resent the use of these emblems, and so deserve legal restraint. He must do the present Government the justice to say that they by their action had condemned the Party Processions Act, for they had instituted no prosecution for its violation. He believed they were about to repeal the Ecclesiastical Titles Act, on the ground that it had been allowed to remain a dead letter; and he submitted that this Act so treated should not be allowed to remain on the statute book. He could not join in the strictures passed on the Government for not putting the Act in force; and he strongly censured the action of grand juries in this respect. If grand juries were to refrain from meddling in politics, and attend to the financial affairs of their counties, it would be more to their credit and the benefit of the country. He did not, in bringing forward this Bill, seek to interfere with any particular party; he asked nothing for the Orangemen of Ulster which he was not prepared to concede to all classes of Her Majesty's subjects in Ireland; but he did appeal to the House to pause before proceeding any further in the path of suppressing Irish liberties. He wished for equal rights to all, and could not see why it should be penal to wear green in Tipperary any more than to wear orange in Down. He regretted the absence of the hon. Member for Tralee (The O'Donoghue), who last year supported this measure, and observed—

> "The main object of the Act was, no doubt, to prevent the recurrence of exhibitions which, whenever they took place, must necessarily wound the feelings of every Catholic. It might be said, 'Do you, then, mean to give full scope to those who would insult and annoy your Catholic brethren?' His answer was that the law had failed to accomplish the aim proposed; that, like all other penal laws, it created and fostered a spirit of resistance to authority; and that, while partially removing from public view certain emblems much cherished by some, it had given fresh vitality to feelings and passions which would only yield to influences far different from those that a penal law could bring to bear."—[3 *Hansard*, cxciv. 1552.]

He quite believed this, and he would also trouble the House with an extract from a speech by the First Lord of the Treasury on the 15th of February, when he said—

> "The fact is that the infusion both of English and of Scottish blood has poured into the elements whereof the Irish character is composed a spirit of pride and of ready self-defence—that sentiment which has made England and Scotland ever prompt to rise in defence of what the people deliberately believe to be their rights."—[3 *Hansard*, cxcix. 338.]

Those words had been read and pondered over in Ulster, and had fostered the feeling they described. The only reason alleged by the Chief Secretary for Ireland for the maintenance of the Act last Session, was the fact that its repeal during the passage of the Church Bill would have been tantamount to giving the Orangemen a licence to make demonstrations. But the effect of the continuance of the Act had been to double the number of processions. It excited the feelings of the Orangemen; its technicalities were evaded, and the demonstrations went on all the same. Outrage and bloodshed prevailed in Canada while an Act similar to this was on the statute book, for it encouraged those who ought to have lived in peace with each other to make attacks on rival demonstrations. The Act was repealed by the unanimous consent of the Canadian Legislature, and on the 17th of March the Hibernian Societies had their processions, and on the anniversary of the battle of the Boyne the Orangemen commemorated without opposition the triumph of liberty. He hoped, therefore, to have the concurrence of this House in his Motion for the repeal of this Act. Unless the Government desired to drain Ulster of its loyal inhabitants, and to send them to a more free and happy land, they ought to assent to its repeal. It could not be said that there was any tendency in these processions to disturb the peace of Ireland, for he would particularly draw the attention of the House to the fact that, while the state of affairs in Tipperary was such that the Government had had to bring in their Peace Preservation Bill, the Judges of Assize in Ulster were congratulating the grand juries upon the amount of order prevailing there. Mr. Justice Lawson, in charging the grand jury at Belfast on the 24th instant, said—

> "It would be scarcely possible to find in any part of Her Majesty's dominions a county and town having such a vast population, and such varied industry, in which a smaller amount of crime would be presented for the consideration of the Judge of Assize than that which is presented on the present occasion. . . . . I have also observed with great pleasure that there is on this calendar no case of riot involving a party complexion—no case of agrarian outrage. Therefore these circumstances justify me, as I now do, in congratulating you very sincerely on the state in which you find this great county."

Mr. Justice Keogh, in charging the grand jury at Downpatrick on the 21st instant, said of the cases to be dealt with—

> "They are all such crimes as might be expected to arise in any portion of the Empire, and bear a very favourable contrast, indeed, to the extent of your country, and the large population within

it. This is a circumstance which I cannot avoid saying contrasts very favourably with other portions of the kingdom; and it is highly creditable, in my humble opinion, to the magistracy, to the resident gentry, and to all classes of the population of the county of Down."

These were the words of two eminent Judges of different creeds. They referred to two counties, Antrim and Down, where very large processions took place last July. He did not maintain that Orange demonstrations were a means of preserving the peace; but, certainly, those who took part in them were not participators in the outrages which disgraced Ireland. He must pay a tribute to the good feeling which was springing up in the North on the part of Roman Catholics, many of whom he had the honour to represent, who were desirous of living at peace and in good neighbourship with their Protestant fellow-subjects, and who wished to see all these irritating and aggravating enactments swept from the statute book. It would have been possible for the Roman Catholics to have attacked recent Orange processions, and to have provoked riots; but they had abstained from doing so, and he hoped this forbearance would become more common than it had been. He trusted that the Government would do what it could to arrest the causes which set class against class, and creed against creed. On the 30th of June last year the Chief Secretary for Ireland, confessing that he was not much in love with this Act, promised that an impartial inquiry should be instituted into its operation to enable the Government to decide whether it ought to be maintained and enforced more regularly, or whether a change ought to be made in its provisions. With that promise he was satisfied; but he had not since heard of any such inquiry. Those who claimed relief did not come as suppliants on bended knee asking favour from the Government or from Parliament; but, as a race "energetic and massive in character, and determined not to be trodden down," they asked for equal justice and freedom for all. In conclusion, he moved that the Bill be now read a second time.

VISCOUNT CRICHTON, in seconding the Motion, said, he objected to the Act, and asked the Government to assent to its repeal, because it was evidently intended to apply to only one portion of the community of Ireland, and it had been held by the Law Officers of more than one Government that the Act was powerless to reach some processions of an obnoxious character. He objected to exceptional legislation against a particular class and not affecting the community at large. If the processions this Act aimed at led to a breach of the peace or annoyed the Roman Catholics, the common law was able to deal with them. He denied that these processions were intended to produce animosity on the part of Irishmen of a faith different from those who took part in them, for the processions were held for many years without exciting such animosity. In 1832, when the first Processions Act was brought in by the late Earl of Derby, Mr. O'Connell said that the first Volunteer corps which fired a salute before the statue of King William in Dublin was a Catholic brigade commanded by the Marquess Wellesley; and, so far from there being any jealousy, there was not a Roman Catholic who did not rejoice in the success of King William and in the defeat of King James; there was not a Catholic who did not hold the character of the former in the greatest respect, and treat the latter with the severest contempt. The spirit of a great portion of the community was not to be put down by any feeble enactment; but the State might control that which it could not repress. Last year the Government had sent what it called a message of peace to Ireland; but whatever it might be to a certain portion of the people, to the Protestants and Orangemen it was not peace, but a sword; Protestants and Orangemen felt that they were betrayed and cast off by the Parliament of England; and was it to be wondered at that they had become somewhat lukewarm in their attachment to the authority of that Parliament, and that they had ceased to regard the Union of the two countries with the feelings they formerly did? We now had an opportunity of repairing, in some degree, the wrong done to the Protestants last year, and he hoped the opportunity would not be allowed to pass. Among those who gave the Government the warmest support in passing the Peace Preservation Bill were the representatives of the constituencies who asked the Government to assent to this measure; and he asked would it be wise at the present time, when a large section of the community was openly hostile to the continuance of the Union between England and Ireland, to supplement last year's legislation by refusing to repeal this odious and penal enactment?

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. W. Johnston.*)

MR. CHICHESTER FORTESCUE: I do not propose to detain the House at any length; but it will be convenient that I should state in a few words the view the Government take of the Bill of my hon. Friend opposite (Mr. W. Johnston). I must say at once that the hon. Member regards processions and party demonstrations in Ulster much more favourably than I am able to do. It is perfectly true that Ulster in many respects enjoys an amount of peace and freedom from crime of which it is justly proud, yet I cannot in any way connect that comparative peace with the practice of holding party processions. On the contrary, Ulster enjoys freedom from many kinds of crime not in consequence of, but in spite of, these party demonstrations, the effects of which are not confined to Ulster itself, but many of the worst results of which are felt at a distance. An orange demonstration in Ulster produces a green demonstration in Cork, and *vice versâ*, and that kind of see-saw of party demonstration goes on between North and South year after year. Therefore I am not prepared to sing the praises of party processions in Ulster or anywhere else, and I am not prepared to accept the doctrine which my hon. Friend lays down, very broadly and very candidly, that everyone is in this matter to be left by the law to do as he pleases. My hon. Friend's doctrine is—"Let all, whoever they may be, have their processions, so long as we have ours;" and this is a simple and easy remedy, but it is not a rule of action which is at present consistent with the peace and safety of Ireland. My hon. Friend complained of no inquiry having been made since last Session, and he implied that there had been something like a violation of a pledge given by me; but if he will refer to what I said he will find I merely claimed for the Government the liberty of making inquiry, if it were necessary, either by means of a Commission or through the sources of information which they have at their command. It cannot be said there has been no inquiry, because there has been an inquiry which the Government directed, and which, though it embraced only one particular case, was of great importance, and threw considerable light upon this matter—I mean the inquiry by Commission into the Derry riots, the Report of which I strongly commend to the attention of my hon. Friend, and to anyone who wishes to know what those on both sides in politics, and who have the best means of information, think of great party demonstrations and processions in Ireland. The Government have also information of their own, and they have given still further consideration to the matter beyond that which they gave last year. The course we propose to take is this—I shall have pleasure in assenting, on the part of the Government, to the second reading of my hon. Friend's Bill, because we do not think it right or expedient that the present Party Processions Act should be continued. I hold it to be exposed to many of the severe criticisms passed upon it by the hon. Gentleman opposite and by others. I concur in much that was said by my noble Friend opposite (Viscount Crichton); I think there is no doubt the Act was directed against processions of a party character only, and its definitions and technical restrictions and conditions have had the effect of making it unequal in its operation, without any intention when it was passed to bring about that result. It is undoubtedly true, as my noble Friend said, that, owing to the technical provisions and definitions of the Act, processions of one character come within its reach, while processions of another character, which may be far more formidable and dangerous, far more contrary to the law and inimical to the peace of the country, cannot be dealt with under the provisions of the statute. I was glad to hear my hon. Friend, in his opening observations, give credit to the present Government for their desire in administering this law to deal equally with all; I can assure the hon. Member that this is the spirit in which the Government have acted. He also said, with truth, that the case of the procession at Dublin was no exception to that rule; if it had come within the Party Processions Act, we should have been doing no less, in not putting it down, than we did in the case of many great demonstrations in Ulster; but we were advised that it did not come within the technical provisions of the Act; the banners, flags, and emblems used were those of the trades of Dublin, and not such as, in the opinion of our Law Advisers, were aimed at by the Act. What was done on that occasion was strictly police action, and was done to prevent an unnecessary and excessive demonstration in connection with a lawful public meeting, as the demonstration in its original form would have caused very great inconvenience and disturbance in the streets of Dublin. Those who organized and conducted it complied in the main with the requirements of the police, and took care that there should be no collision in the streets, and that the wishes of the Government should be strictly carried out. While I say that the Government accede to the Motion and consent to the second reading of the Bill, I must not be understood to imply that the Government think that in the present condition of Ireland public open-air processions may be permitted without restrictions, or that we think it would be safe at present to deprive the Government of the power of dealing with such processions, no matter where, in what form, or under what circumstances they may be held. It will be my duty after Easter to bring in a Bill for the purpose of giving powers to the Government of dealing with processions in Ireland, everywhere and under all circumstances; and I hope the provisions of that Bill will give satisfaction, and remove all sense of injustice as between one class of Her Majesty's subjects in Ireland and another. I can assure the Mover and Seconder of this Bill that they will find all inequality removed by the provisions of the Government measure; but we cannot agree that in the present condition of Ireland the subject requires no legal regulation at all.

Lord CLAUD HAMILTON said, he would support the second reading of the Bill, because he wished to remove from the statute book a law which was so framed that it conveyed to a portion of our fellow-subjects the idea that it was directed against them, and which was not carried out with impartiality. If it had not been for the action of the Government in times past, these exhibitions would have died out before now. There was at one time a tendency to discourage them; they were becoming harmless and less frequent, and far less obnoxious to the Catholics, who played in the bands, and otherwise took part in them; but what had revived them, and caused so much hostile feeling, was that the Government neglected to carry out the law with impartiality in the South. He must remind the House that this enactment, which originated in 1832, was then enforced for twelve years. After that for six or seven years there was no law on that subject, and he believed that had it not been for the unfortunate events which took place in 1848 or 1849 all parties would have been agreed that the law should remain in abeyance. He wished particularly to call the attention of the House to the words of the Earl of Clarendon, in 1850, when the present Act was being discussed. He said—

> "This was a Bill to put an end to all processions—a Bill which was directed against no particular party, and would be confined to none."

If the Government had carried out the Bill in the sense so clearly and properly stated by the Earl of Clarendon, he ventured to state that no disturbances would have taken place. There had ceased to be much excitement with regard to those processions, and they had ceased to arouse any political animosity. By what he must call, however, the unfortunate neglect of duty on the part of the Government, with respect to the Dublin procession of 1864, animosity and bitterness had been re-animated. On the occasion of the meeting at Dublin, which was perfectly illegal, the place was for six or eight hours completely in possession of those who were acting illegally, with the Lord Mayor at their head, and nothing was done; but Orangemen of the North were prosecuted, dragged before the authorities, and punished. How, then, could anyone say the law was impartially administered? The object of the Dublin demonstration was ostensibly to found a statue to O'Connell; but the board which used to stand in Sackville Street inscribed "Site of the statue to O'Connell" had been removed. As a violation of the Act in any particular was held to be a violation of the whole Act, there could be no doubt of the illegality of the Dublin meeting, which, indeed, according to the reports in *The Freeman* and the other daily papers, contravened every provision of the Act, excepting that relating to firearms. Irrespective of Lord Carlisle's circular, there was another sent out by the head of the police shortly before the Orange demonstration, and that official pointed out that any one of the acts mentioned in the statute constituted a violation of the whole statute. Could, then, the intelligent population of the North of Ireland regard such a violation of the Act as he had referred to without saying that the law was not impartially administered? The sense of injustice thus engendered led to the irritating exhibition at Londonderry and the bloodshed which followed. The fact was, that the knowledge that the majesty of the law had been insulted in the South of Ireland led to a counter demonstration in the North; and until the Government showed a determination to deal equally with all classes and denominations, these demonstrations would go on increasing, and there would be a feeling of discontent in the North of Ireland. He was glad, therefore, that the hon. Member had persisted in proposing the present Bill, and he was also glad that the Government intended to assent to the second reading. He trusted that when the Government introduced their own measure it would be found to modify some of the provisions of the present law, which appeared partial in their application, and then he hoped that the new law would be administered with fairness to all classes.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he would have been glad had the House been content with the intimation given by the Chief Secretary for Ireland that the Government were willing to accede to the second reading of the Bill, with a view to the introduction of a measure for dealing with the evils which the Party Processions Act was intended to meet; but, as the noble Lord (Lord Claud Hamilton) had made some remarks in reference to the administration of the law, it was necessary for him to set the House right with respect to certain matters not accurately stated by the noble Lord. He should not have thought it necessary to address the House had the noble Lord followed the same course as the hon. Member for Belfast, who, in his able and candid speech, had acquitted the present Government of any charge of having administered the law partially. All persons regarding the circumstances with a calm and rational mind would come to the conclusion that the Government had done everything in their power to maintain the law; and if the noble Lord had been a Law Officer of the Crown—as it was well, perhaps, for the country he was not—he would have found some difficulty in deciding that the procession in Dublin, when the Lord Mayor of that city attended, was a violation of the Party Processions Act, for it was not the mere display of emblems that constituted a violation of the Act. A procession might carry and dispay emblems, flags, and banners, and not necessarily come within the Act. The Act provided that all assemblies of persons in Ireland who should meet and parade together, or form processions, and should bear, wear, or have amongst them firearms, or other offensive weapons, or banners or emblems, the display whereof was calculated to excite animosity between different classes of Her Majesty's subjects, should be unlawful assemblies. Now, if the noble Lord had been called upon in the Castle of Dublin to decide upon the matter, would he have felt himself justified in stopping a procession intended to do honour to one of the greatest men Ireland had produced—a procession carrying no illegal banners? If such a procession, headed by the Lord Mayor, and attended by a number of eminent men, together with Prelates and clergy of the Roman Catholic Church, could be brought within the purview of the Party Processions Act, he was unable to conceive what procession could be excluded from it. He believed that the present Lord Chancellor of Ireland, at that time Attorney General—than whom a fairer-minded man never held that office—gave his opinion that there was no power and no necessity for interference with the procession on the part of the Executive. He thought he had said enough to acquit the Executive Government of the charge brought against them by the noble Lord. The whole object of the noble Lord's remarks seemed to be to show that the Government were not fairly and equally administering the law; but for that charge there existed no foundation, though if such a charge had been brought against the late Government it could have been sustained. He would ask the hon. Member for Belfast what was his opinion of the present

Governor General of India (the Earl of Mayo), and of the way in which the Party Processions Act was carried into effect, when a celebrated individual was tried and convicted at the Downpatrick Assizes, and whether he thought that case was an example of the fair administration of the law? He would call the noble Lord's attention to another procession in Dublin—namely, the procession to commemorate the Manchester martyrs, as they were called, when banners and colours were carried through the streets, and empty hearses were drawn along, accompanied by large bodies of men. Now, if the procession in memory of Mr. O'Connell were illegal, then *à fortiori* was the procession he had just mentioned illegal. That procession, however, was not interfered with; and who was at the Castle of Dublin then? The Duke of Abercorn; and the First Lord of the Treasury was the Earl of Derby. Those were the observations which it occurred to him to make on what was called the impartial administration of the law by the late Government; and, whenever the time came to vindicate the present Government, he would prove that every effort was made by them to administer the law fairly, and that if there were any sins of omission or commission, they were chargeable not on the present but on the late Government. With regard to processions generally, he would just make one observation. There was a difference between a procession to commemorate the memory of a great man and lay the foundation stone of a monument to him, and a procession, the sole object of which was to perpetuate the remembrance of civil war and to excite animosity between different classes of Her Majesty's subjects. With the permission of the House he would read from the evidence of Dr. M'Knight, given at the Londonderry Commission in August last, some remarks which put this subject in its true light. He says—

> "Wherever these displays are intended as a commemoration of the victories of one political party in the State over another, they tend inevitably to perpetuate the original feud. There never has been in ancient or modern times, and there is not, any civilized community in which the celebration of the victories of any party over another in civil war was allowed, with the single exception of Ireland. No statesman who understands the importance of national unity would allow it."

He had now only to repeat that the Government were prepared to introduce a Bill after Easter, which would not be obnoxious to the charge of dealing lightly with one party and severely with another; but would deal equally with all, whether Trojans or Tyrians, so that Protestants would not be able to point to Catholics, nor Catholics to Protestants, as persons unduly favoured. There would be one law for all, and no Irishman whatever would be allowed to violate it with impunity.

COLONEL WILSON-PATTEN said, he would not enter into the discussion as to the mode in which the law had been administered by one party or another; but he demurred to the attack made by the Solicitor General for Ireland on the administration of Irish affairs by the Earl of Mayo, and he thought that the hon. and learned Gentleman must certainly have been hard up for a ground of censure, when he had to make a personal appeal to the hon. Member for Belfast (Mr. W. Johnston) in reference to Lord Mayo's conduct in a certain case. It was not in accordance with good taste to call upon the hon. Member for an opinion on Lord Mayo's conduct upon his coming in contact with him in so painful a manner. In all those matters Lord Mayo acted with good faith, without the intermixture of any personal feeling; and it was impossible to overrate the independent attitude of Lord Mayo in the painful position in which that noble Lord was placed while conducting the affairs of Ireland. With regard to the Party Processions Act, if the Government had said it was necessary to maintain it, he should, contrary to the opinion of several hon. Members, have supported them in that decision; and if he had anything to find fault with in the conduct of the Government, it was because they had taken him rather by surprise in expressing their readiness to repeal the Act without, at the same time, stating what measure they meant to substitute for it. The Party Processions Act was brought in with a greater unanimity of feeling than he ever recollected to have seen manifested in that House with regard to any measure relating to Ireland; and, before repealing it, the House ought to have some information as to the nature of the new law, which he should not object to if calculated to stop these party demonstrations, only tending to keep up animosity between different classes. He should not oppose the repeal of the Party Processions Act, as the Government, upon their own responsibility, said they could do without it.

Mr. VANCE said, he should not have risen but for two statements of the Solicitor General, which he desired to controvert. The first was that the Duke of Abercorn had not administered the Processions Act of 1860 impartially; and the second was that the O'Connell Procession was not an illegal procession. Now, he (Mr. Vance) asserted that the Duke of Abercorn's Government did administer the law impartially, and that the O'Connell Procession did come within the provisions of the Party Processions Act as an illegal procession. The Solicitor General had intimated that a party procession to commemorate events in the reign of King William was a different thing from a procession to commemorate a man like O'Connell. But the law was intended to attack all such celebrations. When the Earl of Clarendon brought in the Act of 1850 he stated that it was directed against no party and was intended to give a triumph to none, but to put down the processions of both parties if they assumed an illegal character. Now he considered that that sort of legislation, forbidding the use of flags and processions in Ireland which were tolerated in England, was very objectionable. However, if there was such a law it ought to be administered impartially, which had not been the case. The O'Connell Procession was of a formidable and alarming character, and for more than two hours the streets in the vicinity were completely blocked up, "Garryowen" and other party tunes were played, and great numbers of green flags were exhibited. Some persons asserted that green was not a party colour; but there could be no doubt that it was, as opposed to orange. Other processions of a similar character took place; but there was no attempt to put them down. With regard to the processions of 1868 prosecutions were commenced. In Dublin the jury, belonging to the green party, would not convict; whilst the jury in Belfast did convict. It could not, therefore, justly be said that the Government of the Duke of Abercorn acted partially in the administration of the law. He thought the Government were acting wisely in consenting to the repeal of the Bill. The prosecutions under the Processions Act in the North of Ireland had never been of a formidable character, the parties generally being a few boys. Processions of a peaceable and loyal character ought to be permitted in the North, if it were only to counteract the effect of those of a disloyal and treasonable character in the South. Thousands of persons sympathizing with the Fenian movement were allowed, during the former administration of those who now hold the reins of power, to parade the streets of Dublin unmolested, and violate the Processions Act with entire impunity.

Mr. M'CARTHY DOWNING said, he rose to express his regret at the course which had been taken by the Government. No one was more anxious than himself that a cordial feeling should exist amongst all classes in Ireland; until that was the case that country would never advance in prosperity. But he considered the present moment most inopportune for seeking the repeal of the Party Processions Act, which had now been in force for a great number of years. The announcement would be received in Ireland with anything but feelings of gratitude. A Bill of Pains and Penalties was about to be sent to Ireland, and it would operate in Munster, Leinster, and Connaught, rather than in the other Province. It would be said that a special concession had been granted to Ulster, and that there was a disposition to favour Ulster beyond any other part of the country. He had seen communications stating that the repeal of the enactment would place Ulster in a position of great danger, and he believed that the Government were assuming a responsibility of the consequences of which they were not fully aware. Among various letters which had been received on the subject he had one from Dr. M'Gettigan, the Roman Catholic Bishop of Raphoe, than whom there was no more dispassionate and calm Prelate in Ireland, and another from another Roman Catholic Prelate, Dr. Dorian, and they declared that it would be unwise—at least, premature, to disturb the present law. He did not say that he would not be prepared to support the repeal of the law at some future time; but he considered that the present was a most inopportune time for repealing it. The Act was passed in 1832, and it remained the law until 1845, when, with the consent of all parties, it was allowed to expire; but, in consequence of the melancholy occurrence which took place at Dolly's Brae in 1849, when a number of people were shot down without any provocation, the law was revived in 1850, and in such a form that it was accepted by the Earl of Enniskillen and the Earl of Roden in the House of Lords, and by every Member of the Opposition in this House. When the Bill was introduced into Parliament in 1832 the late Earl of Derby declared that it deserved the support of the warmest advocates of political liberty; and Sir Robert Peel said the measure was a very desirable one, as he was aware of the very injurious effects produced by these processions on the minds of both Catholics and Protestants in Ireland, and the right hon. Baronet also stated that it was peculiarly for the interest of the Protestants to avoid processions which exasperated the great body of their countrymen. The real question was, as to how these things would affect the public mind—how they would affect the masses? The green was no party colour—it was the national colour, and he was surprised to find any one describing it as a party colour; but the Act now proposed to be repealed was directed against the use of colours and badges in the North which were well-known symbols of party. Lord Derby, in 1832, said it was a question whether the Orangemen of Ireland were not the blind and bigoted exponents of an expiring faction, who obeyed the law so long as it suited them and no longer. Only the other day he (Mr. Downing) saw a pamphlet of the proceedings of the Orange Society in Ireland for the year 1869, and he found from that that no less than twenty-three individuals in Armagh and in other counties had been expelled from the Orange lodge because they had centred their affections upon Catholic girls. He had heard the Government accused of partiality in these matters, and he believed that they were open to that accusation; but their partiality went entirely the other way. There might be one or two exceptions; but when did they ever hear of any number of Orangemen who had been convicted and punished for violating the provisions of the Party Processions Act? It was notorious that Orangemen were always acquitted of such charges. Only last March, at the Assizes at Monaghan, while a number of Roman Catholics were prosecuted and sentenced to terms of twelve months', eighteen months', and two years' imprisonment for such offences, seventeen Orangemen, against whom similar informations had also been laid, were not prosecuted. Mr. Warren, now a Judge, was then the Attorney General, and the informations against the Orangemen were never acted upon. Party processions were still carried on in the North, because magistrates did not like to exert against their neighbours the powers given them under the Act of imposing a fine for the first offence, with an alternative of one month's imprisonment, and for the second offence a fine of £10, or two months' imprisonment. There had been a partial administration of the law by the magistrates and by the Government, and he blamed the Government for coming down to the House now, without any previous notice, and saying they were willing to repeal an Act which had received the sanction of every great statesman, and offering to introduce another Bill after Easter, the provisions of which at present were altogether unknown. As to the processions and meetings held in the South of Ireland, he asked had arms ever been seen in the hands of parties engaged on such occasions? He had never seen them, and that was the reason why these meetings always passed off without bloodshed. He was sorry to find the Government giving their assent to the repeal of a law which, though it had not always had its proper effect, was, at all events, a wise and judicious law. He was sorry to say that he had read very strong speeches, nearly approaching sedition, delivered in the North of Ireland, and one gentleman had gone so far as to threaten that he would kick the Crown into the Boyne; but hon. Gentlemen opposite never got up to complain of language of that character. He might read to the House speeches that had gone even beyond sedition. It was, however, a very useless course to bring forward language which was used under strong feelings of excitement at public meetings. He trusted that the Government were taking the right course in the matter; but he was bound to confess that he was very much afraid of it at present.

Mr. MOORE said, he was sure the English Members must have come to the conclusion that, if Parliament was to devote its attention exclusively to the consideration of Irish questions upon Irish ideas, and from an Irish point of view, the Irish entertainment that was presented before them was, at all events, of a very varied character. After such heavy pieces as the Irish Church Bill, the Irish Land Bill, and the Irish Coercion Bill, it was a change, at all events, to discuss such lighter interludes as the cases of Captain Madden and Captain Coote, in which nothing more serious than the dismissal of magistrates and sheriffs had occurred; and if that were not enough, they had the members of the Irish *corps de ballet* to present to them on the floor of that House their graceful movements in the old piece of the Orange and the Green. He intended to support the Motion of his hon. Friend the Member for Belfast (Mr. W. Johnston). He was not, like his hon. and learned Friend opposite, bound by any such instructions as he had been kind enough to read.

Mr. M'CARTHY DOWNING said, he had not read any letters of instruction.

Mr. MOORE was in the habit of acting according to his own honour and conscience, and did not accept letters of marque from any gentleman, lay or ecclesiastic. He supported the proposition of his hon. Friend, first, because he believed that "peace on earth" could only be sustained by "good will among men," and that "good will among men" would never be permanently established on the basis of penal legislation. Secondly, he believed that men of good will and strong will were rising up in Ireland, with a tendency to patriotic reconciliation, and were only prevented from shaking hands with each other by seeing on their wrists the badges of State control. They knew that—

> "Love, light as air,
> At sight of human ties
> Spreads its light wings,
> And in a moment flies."

Nothing was more exasperating than the feeling that either party was inclined to be in collusion with the State in imposing on the other the bitter bonds of penal legislation. The House had heard it stated that the memory which Irishmen in the North sought to celebrate was an evil memory—even a disgraceful memory; he saw nothing in it that was either evil or disgraceful. It was the memory of the rights of conscience manfully and successfully asserted. Unfortunately, 200 years ago men could not assert their own rights of conscience without keeping down the consciences of other people—a policy which seemed still to have traditional representatives in the Member for Armagh (Mr. Vance) and the Member for Cork (Mr. Downing). In point of fact, at that time men had to try the simplest issue that could be tried between one man and another—it was a question of beating or being beaten, and the Protestants of the North naturally accepted the former alternative. The Penal Laws had been characterized, and most justly characterized, as infernal; but he modestly believed that if Catholics had had the best of the battle, they would have imposed on their fellow-subjects Penal Laws too. At that time people could not assert their religious rights without fighting for them, and it was the happiest consummation of the present day that no man could now more degrade his own religion than by evincing his disposition to fight for it. He believed that Orangemen were coming to the same conclusion as other men. Twenty years ago the Orangemen of the North seemed to have forgotten the real spirit of their ancient traditions; they seemed to have forgotten that William of Orange, whose memory they justly venerated, was as much in advance of the opinions of his own day as they were behind theirs. But he rejoiced to see there were now growing up in the North of Ireland men of a totally different description—Orangemen in whom the real mind of William of Orange lived again, and who had found a heart and voice in his hon. Friend the Member for Belfast. The Orangemen of the North were beginning to see that their favourite fruit was likely to flourish best amid the green leaves in which nature had placed it; and, if it were not a strained conceit to pursue the metaphor further, he thought he could already perceive in the Irish orange tree, what he had often seen in other lands—the fragrant blossoms of another crop filling the air with the perfume of promise.

Mr. STACPOOLE said, he thought the time had not yet arrived for the repeal of the Act. The Act had worked well so far, and a further experience of it was necessary; but he trusted that in a short time the Government would be able to repeal it, and that then all animosities would die out and all parties be at peace. Both parties were very much to blame, for nearly all these processions were offensive to one side or to the other, and he was not sorry to see that the Government were anxious to deal effectually with the evil. As to the cases which had been referred to where men charged with these offences had escaped conviction, that did not arise through the fault of the Government.

MR. W. VERNER said, that as a magistrate he had always acted in these cases, when they were brought before him, with the strictest impartiality. He was not disposed to view the green as a party colour, for he had often worn the shamrock on the 17th of March in order to show that he was not ashamed of his nationality, and that he acknowledged it to be the duty of all Irishmen of every class and creed to pull together, as far as possible, in promoting the real interests of their common country. He did not see how the Solicitor General for Ireland could compare a procession in honour of King William, to whom they owed their civil and religious liberty, with a procession headed by flags on which were displayed harps without crowns, and which, in fact, denied the sovereignty of the Queen, and the constitution and laws of the realm. In the same way he looked upon a flag bearing an effigy of the Pope, who was a foreign prince who pretended to divide or monopolize the allegiance of the people of Ireland, as a party emblem of the most offensive character. He was an upholder of the principles of the Orange Society; but he had always done his best to keep its more excitable and ignorant members in order, and to impress on them the necessity of obeying the laws of the land. He was obliged to support the second reading of this Bill; and if the Government brought in a Bill justly and impartially framed, that would be fairly administered between all classes and creeds, they would have his hearty support.

MR. CALLAN said, that though not from Ulster, yet, as a Northern man, he had some personal experience of Orange processions. He strongly objected to processions which were accompanied by firing parties, and he had promised his hon. Friend the Member for Belfast (Mr. W. Johnston) his support if a clause were introduced in the Bill giving the magistrates powers to adjudicate summarily in the case of persons found in processions with arms in their hands. In so doing he felt sure that he should be borne out by the general feeling of his borough (Dundalk), one of the most Liberal and Roman Catholic constituencies in Ireland. He did not regard the Orange flag with the same horror as the Solicitor General for Ireland, which reminded him of the terror with which a red flag was said to inspire a turkey cock. He hoped that the provisions of the Peace Preservation Act would be applied wherever they were required; but if the Government brought in a Bill after Easter to suppress the right of public meeting, he should oppose it most strenuously in every stage.

MR. O'NEILL said, he would venture to thank the Government, in the name of many of those whom he represented, for having consented to the second reading of this Bill. He thought, too, that the thanks of those interested in this subject were also due to his hon. Friend the Member for Belfast (Mr. W. Johnston) for the determination he had shown in keeping this question before the House, and he congratulated him on his success to-day. He must also say that he could scarcely find fault with the Government for having decided to bring in a Bill, when the Party Processions Act had been repealed, to regulate processions in future, and for this reason—He must candidly confess that at one time it appeared to him that the Party Processions Act might act as a salutary safeguard to the public peace. It certainly did seem strange that the walking in procession, the display of certain colours, and the playing of certain tunes by one portion of the community should exasperate and irritate another portion of our fellow-subjects; but so it unfortunately had been that such displays had given rise to much religious and political party feeling, resulting, unfortunately, sometimes in riot and even in bloodshed. Therefore, he would go so far as to say that he thought there was justification for the passing of this Act, and he hoped he might be able to support the Bill soon to be brought in by the Government. But what had occurred with regard to the Party Processions Act? When it was first introduced, Sir William Somerville in that House, and the then Lord Lieutenant in the other House of Parliament, as had been already mentioned to-day, declared that the Act would not be applied as against any particular portion of the community, and would give a triumph to none; and, accordingly, when the Protestants in the North of Ireland on one or two occasions incurred punishment under the Act, they naturally felt no irritation, believing that the Act would be equally enforced when it was broken by any other persons. But, when in 1861, 1862, and 1864, the large processions which had been alluded to occurred in Dublin, and when these processions were allowed to pass off without any interference from the Government, then the Protestants of the North of Ireland might, he thought, incline to the opinion that the law, though general in its wording, was being applied against only one party; and he confessed he then began seriously to doubt the wisdom of this kind of legislation. In the beginning of 1865 this question was brought before the House by Sir Hugh Cairns, and the answer which was given by the then Attorney General for Ireland was, that though the procession, with all its accompaniments, had taken place, yet the law had not been broken, because green was not a party colour. Now, he might say, with regard to whether green was a party colour, that whatever the law as to this might be, the natural view of the matter would, he thought, be that, though no doubt when party questions did not come into prominence, green was the national colour, yet surely, when party was concerned, green was as much a party colour as orange was a party colour. But if green be not a party colour, let not orange be a party colour. He meant, let not the wearing of either one or the other colour subject the wearer to break the law. He admitted that there might have been some reasons for hesitating about repealing the Party Processions Act; but he believed, considering what had occurred relating to it, that the advantage of repealing it would be greater than that of keeping it upon the statute book. He would say, then, let Protestant and Roman Catholic walk equally in procession on any days that they might desire to do so; and, if breaches of the peace should arise from those processions, let them be punished, and punished, if necessary, rigorously, by the common law. He believed that the Government and the House, by consenting to the passing of the Bill, would have removed at least one source of that bitterness and unfriendly feeling which, as they must all admit, militated against the peace and prosperity of Ireland.

MR. SAUNDERSON said, he was strongly of opinion that, in the present disturbed state of Ireland, all processions, of whatever character, were a great misfortune and ought to be avoided, and the grand jury of the county where he resided had adopted a memorial to the Government to that effect. It appeared to be thought that party processions were almost exclusively indulged in by Orangemen; but where he lived the Orangemen within the last few years had not given way to party processions of any kind, and it would be hard to discover the existence of Orangemen but for their persistent use of large drums, not in the streets, but generally in their houses. It did seem to him so extraordinary a kind of amusement to beat with great vigour large drums in small rooms that on one occasion he asked one of the operators why they did so, and the answer he received was that these large drums drove terror into the Papists. How that could be it was not for him to say. With regard to the colour of green, he might say that what would not be a party colour in England might be a party colour in Ireland. Unfortunately, upon the occasion to which he referred the green colour was looked upon by the Orangemen as a party colour, a fight was the consequence, and one man was killed. The hon. Member for Cork (Mr. Downing), it appeared, did not think much of the Protestant magistrates. He might inform the hon. Member that in some districts of Ireland Protestant magistrates were absolutely necessary, because Roman Catholic gentlemen could not be got who were qualified to act in that capacity. Upon the general question he might say that, as far as he was himself individually concerned, he regretted these party processions and exhibitions, and had invariably tried to put them down, and nothing more offended him than to see the house of God made a flagstaff for a party emblem. But he did not agree with the hon. Member for Belfast (Mr. W. Johnston), that there should be no Party Processions Act for Ireland, because he believed that the peace of the country could not be preserved without some such Act. While, however, he was in favour of having such an Act enforced, he held that it should be enforced against both parties equally. He hoped that in the Bill to be introduced by the Government a clause would be inserted enabling the Government of the day to prevent any procession or demonstration which, in their opinion, might lead to the lamentable results that had made his unhappy country so notorious.

SIR HERVEY BRUCE thanked the Government for not opposing the repeal of the Party Processions Act. Though it was not intended, the present Act operated in a one-sided fashion. Its object when it passed was for the purpose of putting down Orange processions in the North of Ireland, and it had only been applied to Orange processions. He was not going to defend those processions, for he looked upon them as stupid and senseless ways of commemorating great anniversaries. They were, at best, meaningless, and he could not, therefore, uphold such party demonstrations; but if they were to be put down in one Province, he held that they ought also to be put down in another. It was certainly invidious, to say the least of it, that loyal Orangemen in the North of Ireland should be prevented marching in procession to celebrate a great event while rebels in the South who marched under the green, not as the emblem of nationality, but as the symbol of sedition, should be allowed to do so without hindrance. It was not right that such persons should go scot-free while Orangemen were punished for honouring a great anniversary which, as had been pointed out by the hon. Member for Mayo (Mr. Moore), secured the liberties of Roman Catholics as well as of Protestants. Many Protestant gentlemen would have no objection to march under the green as representing nationality, who would now refuse to do so, seeing that it had been so openly made use of as the symbol of rebellion. The hon. Member for Cork had accused the Ulster magistrates of partiality, and with violating the law. [Mr. M'CARTHY DOWNING: I said nothing of the sort.] Then the hon. Member, in the heat of his own eloquence, must have been carried away to use expressions which he did not mean or did not understand when he employed them. The hon. Gentleman had certainly said something to that effect. He had accused the Ulster magistrates of not dealing out justice to the Roman Catholics. Now he (Sir Hervey Bruce) could only say, in reply to that, that no one would be more glad than himself to help to expose any such case, and to have it punished; but he did not believe the existence of any thing of the sort, save in the imagination of the hon. and learned Gentleman. He quite agreed with what had been said to the effect that churches ought not to be made use of for the display of party emblems. Such conduct was, in his belief, a mistake. He hoped that the Bill to be introduced by the Government would be general in its provisions, and not for the punishment of Orangemen only, and he trusted that party processions would then altogether cease.

Motion *agreed to.*

Bill read a second time, and *committed* for *Tuesday* 3rd May.

MEDICAL ACTS AMENDMENT BILL.

(*Sir John Gray, Mr. Graves.*)

[BILL 40.] SECOND READING.

Order for Second Reading read.

SIR JOHN GRAY, in rising to move that the Bill be now read a second time, said, its principal object was to amend the Act of 1858, the Preamble of which stated that the main object of the measure was—

> "To enable persons requiring medical aid to distinguish between qualified and unqualified medical practitioners."

That Act had grievously failed in effecting its purpose, owing to the existing system of licensing medical practioners. There were at present nineteen licensing bodies, each empowered to grant medical degrees, exclusive of the degree conferred by the Archbishop of Canterbury, which made the twentieth. The result was that, armed with a bit of parchment, given rather in consideration of so many pounds sterling than of any real qualification in the possessor of it, a man utterly ignorant of his profession might obtain a licence to practice. The object of the Bill he introduced was to insure, in the interest of the public, that no person could receive a licence to practise who had not previously demonstrated to a Board of examiners, not interested in the fees to be paid, that he was practically acquainted with the duties of the profession. The Bill proposed a reconstruction of the Medical Council, giving a representation in it to the profession at large, instead of a mere representation of the licensing bodies, and that members appointed by the Privy Council should have seats in it. The presence in the Council and on the examining Board, but especially on the latter, of skilled men representing and responsible to the public, would have a most salutary influence, and would help very materially to carry out the main object of the Bill—the protecting of the public from licensed ignorance. At present, a complaint was generally made, both in England and in Ireland, that if a man failed to pass the examination at one College he went to another where the examination was easier; and that the licensing bodies competed which should grant the largest number of licences, and, therefore, get the largest amount of fees, instead of competing in raising the standard of knowledge. Memorials had been presented to the Secretary of State for the Home Department and to the Medical Council, signed by 9,600 medical practitioners, some of great eminence, complaining of the want of representation of the profession at large upon the Council; that there was no proper system of admission and licensing; and that the public suffered much through the admission of persons who were not practically tested as to their knowledge of disease, as it presented itself not in books, but in the living subject. It was proposed by the Bill that, instead of allowing a man to be registered on presentation of his licence and the payment of £5, he should be practically examined at the bedside, in the dead-room, and in the laboratory; and the memorials he had referred to declared that proof ought to be given, by the adoption of a practical and high standard of examination, that the applicant for the licence really possessed a competent, scientific, and practical knowledge of medicine and surgery. All the nineteen licensing bodies had different *curricula*; no two of them had the same system of education and of examination; they did not all require the same amount of attendance at hospital, where alone the symptoms of disease and the mode of curing disease could be learnt—some requiring twelve months, some eighteen and thirty-six months' attendance at hospital. But even attendance at hospital was little more than an unprofitable routine in the majority of instances. Men walked the hospital, but did not study disease, and its cure, or practice even the minor duties of dressing surgical injuries; for, until recently, none of the licensing bodies, when conferring degrees or licences, resorted to the practical test of bringing the candidate to the bedside and asking him to recognize and explain the disease. He was glad to recognize that many of the licensing bodies had lately adopted the bedside test of a candidate's knowledge, notably the University of London. The University of Dublin, in a recent document issued by that body, declared that such a test was desirable and practicable, and the College of Surgeons in Dublin, in reply to the Medical Council, declared that the demonstrative examination was essential. A letter had recently been written by the noble Earl the President of the Council, in which he stated that no new legislation ont his subject could be permanent or satisfactory unless it promised to effect a considerable improvement in the existing system of licensing, and provided adequate and uniform security for the examination of candidates. He (Sir John Gray) admitted that, under the pressure of public opinion, some of the licensing bodies had lately substituted an improved and really practical examination for that which they before required. But, even now, a Dublin surgeon (Mr. Corley), a Fellow of the College, and a teacher of great eminence, wrote to him—

> "I would undertake to pass any candidate of average ability through any of the Colleges which did not require a bedside examination in the space of, at most, six months, even assuming complete ignorance at the commencement, and that the candidate never had the slightest opportunity of learning anything connected with the profession before."

Having asked the President of the College of Surgeons in Dublin whether this could be true, the reply he received was—

> "A man who never entered a hospital or dissecting-room, who never held a lancet or a scalpel in his hand, could get a degree from any of the Colleges provided there was no bedside and demonstrative examination."

A young man might have gone through his whole three years' hospital course, and yet never have dressed a wound or done any practical work whatever. Since he last pressed this subject on the attention of the House at the close of last Session, he had, during the Recess, an opportunity afforded him, through the courtesy of the Secretary at War, of examining the system adopted by the Army Medical Board. At present no candidate for a medical commission in the Army would be received unless he could produce the two diplomas—one for medicine and one for surgery, and was subjected to a satisfactory test at the bedside. It was recently stated by Dr. Parkes that even of these candidates, doubly licensed and doubly examined though they were—in the course of five or six years no fewer, if his memory was right, than 165, with their double diploma, and some of them with four diplomas, had been rejected for utter incompetence. Some of these gentlemen, when tested, could not recognize the commonest drugs. Some proposed a dose for a man that would kill ten men, and others a dose for a child that would kill a horse. The Army Medical Board felt that if they gave such persons in charge of a patient, the next prescription would probably be an order for a coffin. But so careful were the Army authorities that, notwithstanding the bedside test and the two diplomas, they required that the successful candidates should undergo six months of the most careful tutorial instruction in the Netley hospitals before being allowed to practise on Her Majesty's soldiers. He asked whether it was not absurd that a man who was rejected by the Army Medical Board for the most disgraceful blunders should be allowed, merely because he had purchased his two diplomas, to set up as a doctor and prescribe for the general public? A remarkable illustration of the value of the demonstrative examination recently came under his personal observation, which proved the necessity of its universal adoption, as a means of preventing ignorant men from obtaining licences to practice. In one of the most advanced of the Colleges, he was present at a test examination a few weeks since. The examination was one recently instituted, and was, in fact, a preliminary practical test of the surgical and manipulative skill applied in the dead-room to candidates about to go in for the final licence examination. A young man was asked to describe the operation of trephining. He did so perfectly; Sir Astley Cooper, if he had been alive, could not have done it better. He was then asked to proceed to a table, and select the requisite instruments and appliances for performing the operation on a dead subject; and he was utterly unable to recognize whether the instrument was perfect, and in attempting to perform the operation with an instrument without the handle, he broke the instrument, and, no doubt, he would have done the same if he had been suddenly called on to perform it on a living subject. The examiner, when he saw the candidate take part only of the instrument from the box, with great tact and judgment asked several questions as to the condition of the trephine—asked if he had to travel six or eight miles to operate, would he feel sure of the instrument in its then condition; but he plainly never saw a trephine before, and but for this test, this man might have been licensed on his answering, and proved his ignorance on, perhaps, a valuable life in the hunting field. According to the admission of all the licensing bodies, there was now no sufficient test either of practical instruction or practical knowledge. The Royal College of Surgeons, Edinburgh, in their answer to the admirable letter of the Lord President of the Council, proposed to remedy this defect by obliging the student to spend three months in an hospital as a dresser; but what would be said of a mason or shoemaker who had spent only three months in learning his trade? Now, one of the provisions of the Bill introduced by his hon. Friend the Member for Liverpool (Mr. Graves) and himself, required that every student should be tested at the bedside, not only in the dispensary, where ordinary cases were received, but also in the hospital, where the cases were of a more serious character, and unless he satisfied the examiner that he was fit to be entrusted with the care of health and life, as demonstrated by his acquaintance with disease, he should not be allowed to pass. Another object of the Bill was that the public might have the security which would arise from the State being fully represented at every final examination. At present negotiations were going on between the various licensing bodies, who were trying to have this State examination an ornamental adjunct rather than a reality. But if Parliament was going to deal with the profession it should reorganize it thoroughly. He was glad to see that the Lord President of the Council had already taken vigorous action, and he hoped that the Government would relieve private Members from the necessity of proposing legislation on this all-important subject. It was essential that the Government should be efficiently represented at the Council, and that candidates should satisfy the State examiner, as well as the examiners, representatives of the corporations, before licences to practise were granted to them. The profession itself, under the existing pressure, was anxious to organize itself, and to diminish the number of licensing bodies to something like five or six, or it might be three; but, whatever arrangements might be decided on, he hoped this one idea would pervade the whole, that whatever mode of access to the profession might be open to one man should be open to all, and that no second door should be open to any. If they made three, four, or five licensing bodies, all they would do would be to reduce the present absurd number of nineteen. Let their great object be to secure that whoever was certified to the public under the Seal of the State should be competent in every respect, and that there should be a uniform examination for all, whether they might be students of London, Edinburgh, or Dublin. The present system established high fees, not a high standard of knowledge. The interests of the public required the reverse of all this. The costs should be diminished, and the amount of skill increased. The fees for admission to the noblest of the professions should be sufficient merely to cover the cost to the public of a sufficiently stringent examination, and would not be a barrier to aspiring youth of limited means. He hoped the present high fees would be tolerated no longer, and that fees would be low, sufficient to pay expenses, but leaving no margin for the accumulation of wealth or the creation of sinecure offices. The profession should be open to all who possessed the requisite knowledge—even though their purses were not full—and those who entered it ought to have sufficient practical skill to enable them to do justice to any case entrusted to their care. He begged to move that the Bill be now read a second time.

Mr. GRAVES, in seconding the Motion, said, that he did so in deference to a very general wish which had been expressed to him for a radical change in the condition of medical education in this country. The time had arrived when the profession in large non-metropolitan towns like Liverpool and Manchester were entitled to be directly represented upon the Medical Council. Last Session, in obedience to strong representations made to him by the community with which he was connected, he placed a Notice on the Paper with the view of calling attention to the constitution of the Council; but he was now prepared to adopt the Bill of the hon. Member (Sir John Gray), as affording a basis for a fair settlement of the question. A reference to the remarkable Petition signed by 10,000 medical men, which had recently been presented to the Secretary of State for the Home Department, was sufficient to show how much a change was needed. He wished to ask what became of the failures before the Army Medical Board to which his hon. Friend had referred. Were men who were held to be unfit to deal with the lives of Her Majesty's soldiers allowed, without further instruction, to go and practise on the civil portion of the community? The mere fact that such a possibility existed was enough to condemn the present system. As far as he understood, what was needed was that no one should be allowed to practise the profession of medicine who was not found to be perfectly competent to discharge all its duties. The Bill proposed to utilize the existing corporations. The competition had hitherto been downward; this Bill aimed at making it an upward competition. All the licentiates, when offering themselves for examination to the central Board, would be required to produce a certificate from some one of the existing corporations, and honour or discredit would redound to those bodies just as their pupils were found to be well-instructed or otherwise. If the same healthy rivalry could be brought about between these corporations as existed among our public schools, a valuable boon would be conferred on the profession and on the public. Another object which it was desirable to attain was the opening to public competition of all the civil appointments of this country. Hitherto those appointments have been given by public patronage or personal influence. The Bill aimed at securing them for merit and capacity, and on this subject he could speak from personal experience. In Liverpool there was an important and increasingly useful medical school, and many of the young men who had passed a distinguished career in it had applied to him to give them assistance in placing their foot on the first rung of the ladder of life. To young men of this kind the throwing open of the medical appointments of the country would be an incentive of the highest kind. By raising the standard of medical education and by having one portal through which all should enter, this Bill would promote the interests of the public, as well as confer a great boon on the profession. He would conclude by apologizing for having taken up a subject outside those with which he was more particularly conversant.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir John Gray.*)

MR. BRADY moved the adjournment of the debate.

MR. W. E. FORSTER said, he hoped his hon. Friend who introduced the Bill (Sir John Gray) would consent to the adjournment. Considering the lateness of the hour, it was advisable to adjourn the debate on this very important question. He thought the hon. Member would agree to this proposal when he stated that he was authorized to announce that his noble Friend Earl De Grey and Ripon intended, on behalf of the Government, to take an early opportunity of bringing forward a Bill in the other House, having for its object the amendment of the several Medical Acts. He thought the House would feel that, under such circumstances, it would be unfair to expect him to follow in detail the able speeches which had been made; and he had no doubt that hon. Members would prefer to postpone further discussion until they knew more of the Government measure.

SIR JOHN GRAY said, he would at once accede to the proposition of his hon. Friend the Vice President of the Council. He would further add that he should feel it to be his duty to withdraw his own Bill if the measure of the Government should be at all framed in the spirit of the letter recently written by the Lord President of the Council, which would enforce a uniform and practical test of knowledge, and leave the licence fee at a moderate figure.

Debate *adjourned* till *Wednesday* 27th April.

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 31*st March*, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Drainage and Improvement of Lands (Ireland) Supplemental * (57).
Committee — Report — Third Reading — Peace Preservation (Ireland) (53).
Report—Owens College Extension *.

PEACE PRESERVATION (IRELAND) BILL.

(*The Lord Dufferin.*)

(NO. 53.) COMMITTEE. REPORT.

THIRD READING.

Order of the Day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself itself into Committee."—(*The Lord Dufferin.*)

THE MARQUESS OF CLANRICARDE said, he wished to call the attention of the House to a matter which he considered of great importance. He had not the least desire to stop the progress of the Bill; but he must express surprise at the numerous Amendments of which the Government had given notice. In his opinion, it would have been far more desirable had the measure been carefully revised before it left the House of Commons, so that their Lordships might have passed it without alteration. That, however, was the business of the Government, not his. There was a point to which he wished to call attention, and which he was astonished had not been noticed in the other House in the debate on the second reading; but which had an important bearing on the objects and the carrying out of the Bill—namely, the machinery, by which it was to act—that was to say, the constabulary and magistracy of Ireland. Nobody had a greater respect than himself for the general conduct and bearing of the constabulary; but its fault was that its organization and constitution made it, not a police, but a military force; the consequence was that it was utterly inefficient in preventing or detecting crime. He thought this was a point on which they ought to have some explanation from the Government. The constabulary force in Ireland was commanded by two honourable and gallant officers, than whom there could be no more worthy members of their profession; but they had not that cognizance of crime, or of Ireland, or of the Irish people which would enable them so to direct the operations of the force as to deal with crime. Indeed, the force was the derision rather than the dread of the population where any portion of the people were disposed to violence and misconduct. The Irish people were sharply censured the other night, and a noble Marquess (the Marquess of Salisbury) spoke of their lower scale of civilization; but he would remind his noble Friend that the degree of civilization of a people did not depend merely on respect for life, for some nations unquestionably highly civilized retained customs which were justly condemned by us as barbarous. Moreover, protection from the Government was the condition of allegiance; and how could the Irish people be expected to entertain proper respect for the law if the law did not protect them? They refused to come forward and give evidence, because if they did so, they knew they would become the victims of those whom the Government had not proper means of restraining. Everybody in Ireland was aware that the impunity with which crime was committed was mainly due to the inefficient state of the constabulary, whose time was too largely taken up with military drill, and with matters wholly unconnected with the prevention of crime. No doubt, as in the London police, it was an advantage that they should be drilled to understand certain military movements, and be able to act against a considerable force; but there was no need that they should be made to move with the precision of the Guards; and it would be as reasonable to expect the Household troops to protect the metropolis against thieves and robbers as to expect the Irish constabulary, when so much occupied with military duties, to keep down crime and combination. He was informed, on good authority, that the code of regulations issued to the constabulary of Ireland consisted of not less than 1,300 sections, in addition to which 240 special orders, some comprising several sections, had of late years been issued. All these, as well as a manual of duties, the constables were examined in, and were expected to have at their fingers' ends; and they were, morever, expected to have a perfect acquaintance with all the particulars of *The Hue and Cry*, published twice a week. They were not allowed, moreover, except when on special duty collecting statistics, or serving papers, to leave the barracks except in couples; and if sent on special messages, they were obliged to account for every minute of their time, and dared not stop on the road to procure information, no matter whom they might meet, or what suspicious circumstances they might observe. Not being allowed to linger in any shop or place of resort, they were precluded from forming any acquaintance with the population, and, of course, no man or woman, however desirous of giving information, would confide secrets to constables who were strangers to them. They were ordered, moreover, to report only to their superior officers, and did not communicate with magistrates or other persons who might give them assistance. How did that efficient body, the metropolitan police, get information? Why, it was obvious that efficient detectives or constables must frequent the company of very bad characters; and, though he did not say that the whole body of constables should have unlimited freedom of action, experienced and trustworthy members of the Irish force might surely be allowed greater latitude. He was convinced they would not often abuse such liberty; but that, on the contrary, they would employ it with great advantage in the detection or prevention of crime. He regretted, too, to say that men who had been twenty years or more in the force, and whose services had become very valuable, were sometimes dismissed for the most trivial faults of mere discipline. It was said that a new detective department was to be established; but who was to organize it, and of whom was it to consist? It would be absurd to send the members of the present half-military force to act as detectives, for their real character would immediately become known. The Government might hope, perhaps, by such an announcement to frighten the population; but, without a proper police force, Acts of Parliament would have very little effect. He was unfortunately old enough to recollect the existence of an earlier and very differently constituted force, and instead of comparing the number of crimes at present with those which occurred at former periods, it should rather be asked how many persons were then brought to trial, convicted, and, he was sorry to say, executed, through the exertions of constables and of country gentlemen acting as magistrates. There were, at that time, probably, not in Ireland a dozen stipendiary magistrates, yet the police were, in many cases, very efficient. He hoped there would be an assurance from the Government that something would be done to improve the constabulary; and he also wished to know whether the justices would have the same special powers as the stipendiary magistrates—for it would appear invidious to make any distinction between them?

Lord DUFFERIN said, he was not prepared, though the noble Marquess (the Marquess of Clanricarde) had been good enough to give notice to a Member of the Government of the question he intended to raise, to enter into a defence of the present constitution of the Irish constabulary. This was by no means the first time that the suggestion had been offered that if the organization of that force were less of a military character it would be more efficient in the detection, as opposed to the repression, of crime; but the fact that the matter must have come under the consideration of successive Governments, and that they had hitherto refrained from making such a change, was a proof that there was much to be said on the other side. He did not think, however, that on the present occasion it was necessary to address any special remarks to that portion of the subject, every Government, after due consideration of the matter, having hitherto refrained from making any alteration in the formation of the Irish constabulary. With regard to the force being commanded by officers who had served in the Army, the same qualification attached to the excellent officers in command of the London force, upon whom the noble Marquess had passed a deserved eulogium. Moreover, though undoubtedly crime in Ireland had to a lamentable and perhaps extraordinary degree baffled attempts at detection, the constabulary had shown great activity, and in many cases had succeeded in discovering its authors. For example, the person accused of shooting at Captain Lambert was arrested through the instrumentality of a member of the force. As had been already stated in "another place," great exertions had for some time past been made to establish an efficient detective force. To go into detail on this point would obviously defeat the object which the Government had in view; but he was able to state that such a force, which was the very organization which the noble Marquess appeared to desiderate, had actually been constructed, on whose operations the Government confidently relied in assisting them to repress crime. With regard to the summary powers conferred on magistrates, he believed they would only be exerted when the Lord Lieutenant had specially proclaimed, on account of the existence of additional degree of criminality, a district already proclaimed under a former Act. The presence of a stipendiary magistrate was required; because, as was well known to everyone acquainted with the administration of justice in Ireland, this was a great assistance and relief to ordinary justices of the peace, who might otherwise be disinclined to assume the responsibility of summary powers. The proposal was that under certain conditions, and within a specified area, these powers would be exercised by two or more justices, provided one of them were a stipendiary magistrate.

(House in Committee.)

Clauses 1 to 10, inclusive, *agreed to.*

Clause 11 (In proclaimed districts no dealer shall sell gunpowder but to a licensed dealer, or to a person licensed to keep arms).

Lord DUFFERIN proposed an Amendment, excepting

"Justices of the peace, persons in Her Majesty's naval or military service, or in the Coast Guard service, or in the service of the Revenue, or in the police, or Royal Irish Constabulary, or special constables."

The Marquess of SALISBURY asked whether it was necessary that justices of the peace should be authorized to sell gunpowder?

Lord DUFFERIN explained that this provision had always been inserted in previous Acts, in order to relieve persons holding office under the Crown from the necessity of applying for licences.

Clause amended and *agreed to.*

Clauses 12 to 14, inclusive, *agreed to.*

Clause 15 (Power to issue warrant to search in proclaimed districts for documents in handwriting of persons suspected of writing threatening letters).

Lord DUNSANY said, he had to move an Amendment, which, having to search for the words of a former statute, he had not been able to place upon the Paper, extending the power of search to the houses of persons at whose instigation or on whose behalf such a letter was believed to have been written. It frequently happened that the actual writer was the least guilty person. Very often it was a child, and, as a general rule, it was the National Schoolmaster who thought it his duty to write threatening letters. Surely the house of the principal rather than that of the mere amanuensis should be searched. He proposed to insert the words "or at the instigation of or on behalf of any person."

Lord DUFFERIN said, that having only been able to glance at the noble Lord's Amendment in manuscript as he was entering the House, he had been unable to form any opinion of its real scope. The Amendments which the Government deemed necessary, owing to the somewhat rapid way in which the Bill passed through the other House, had been carefully considered. He thought it very possible that the proposed Amendment would give rise to great inconvenience in carrying out the powers given by the clause.

The LORD CHANCELLOR pointed out that the Amendment would not effect the object desired by the noble Lord (Lord Dunsany), there being in the latter part of the clause, "any document or documents in his handwriting," which would be the handwriting of the instigator, who wrote nothing.

Lord DUNSANY replied that this might be modified in harmony with his Amendment. Numerous cases of writing threatening letters occurred in his district, and he should never trouble his head about the actual writer, but only about the person whom he knew to be the principal.

Lord CHELMSFORD suggested that the clause as it stood was sufficient. If a person instigated another to write a threatening letter, the act of writing it would be held to be the act of the person instigating it, on the legal maxim—*qui facit per alium facit per se.*

Amendment *withdrawn.*

Clause *agreed to.*

Clauses 16 to 18, inclusive, *agreed to.*

Lord DUFFERIN proposed a new clause, enabling the Lord Lieutenant to recall all existing licences to keep arms. This, he explained, would avoid the invidiousness of revoking the licence of a particular person.

Clause *agreed to,* and *added* to the Bill.

Clauses 19 to 22, inclusive, *agreed to.*

Clause 23 (Power to Lord Lieutenant, by order, to close public-houses in districts specially proclaimed.)

Lord DUNSANY desired to urge upon the Government the propriety of extending this power to local magistrates, who might be required to report such orders to the Lord Lieutenant, in order that they might be confirmed or rescinded. At present, the only control over these houses possessed by magistrates was the power once a year of refusing their licences. In his own petty sessional district the Bench gave a unanimous refusal in the case of a house where a Ribbon lodge was held. The occupier, however, appealed to the quarter sessions, and unfortunately, none of the magistrates being present—which he admitted was a fault—the county barrister quashed the decision. In a subsequent correspondence the barrister convinced him that he had acted quite legally, but added that the law was perfectly wrong. He thought the magistrates might also be empowered, under the same safeguard, to suspend the licence of a house habitually resorted to by reputed Ribbonmen or other bad characters; and he knew of no discretion which would be more beneficially exercised. He would propose the Amendment, though he would not press it against the wish of the Government, that the magistrates in special session, in any proclaimed district, might, subject to the sanction of the Lord Lieutenant, order any public-house to be closed at certain hours.

LORD DUFFERIN said, he must ask his noble Friend not to press the Amendment. The clause was an extremely severe one; and, unless exercised with the utmost discretion, and by persons of the highest responsibility, would bring great odium on the Government and the magistracy. Closing a whisky shop was, in fact, destroying a man's trade, and eventually, perhaps, compassing his ruin; and local magistrates might not have so deep a sense of responsibility as the Executive.

LORD DUNSANY would not press his proposal, if the Government thought the magistrates were not to be trusted with this power.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 24 *agreed to.*

Clause 25 (Power to justices to punish persons charged with certain offences).

LORD DUNSANY expressed an opinion that magistrates, instead of being allowed too little discretion, were, by this clause, allowed too much, for they were authorized to deal summarily with offences little short of treason—such, for instance, as persons assembling for training and military exercises. He had never known Irish magistrates err on the side of severity, though often on that of lenity; and, considering the pressure which, in many parts, might be brought to bear upon them — though he was ashamed to make such an admission— these offences should not be treated so lightly.

THE EARL OF KIMBERLEY said, that this was a very important part of the Bill. Its object was to enable magistrates to convict summarily in cases where it would be difficult to obtain verdicts from juries. It was hoped that the effect of the clause would be to break up roaming bands and assemblages at public-houses. It was to be observed that power was given to the local magistrates to send any case to a jury if they thought it right to do so.

LORD DENMAN said, his noble Friend (Lord Dunsany) had pointed out the fact that this clause gave magistrates too large a discretion, enabling them to be lenient on the ground of expediency, and he (Lord Denman) might add without conferring on them the power of binding over to keep the peace, even those whom they might think deserving of punishment.

Clause *agreed to.*

Clauses 26 to 28, inclusive, *agreed to.*

Clause 29 (Newspapers containing treasonable or seditious matters, &c. forfeited to Her Majesty).

LORD LYVEDEN remarked that, after the unanimity which their Lordships had shown, it was almost distasteful to hint at too great severity; but he thought they would acknowledge that such extreme powers over the whole Press of Ireland should only be granted to the Executive as a *dernier ressort*, and he wished to know whether this had yet been arrived at. His noble Friend the Chancellor of the Duchy of Lancaster, in his speech on moving the second reading of the Bill, said that there was an abundance of seditious articles in the Irish press, but he only quoted two passages—one being copied from an American paper, and the other discussing, partly in joke and partly in earnest, the best use of a man, whether he should be hanged or not. Now, the statement of the noble Lord and general belief on the subject would appear to persons outside Parliament a very weak ground for taking action. He was anxious to know whether any steps had been taken under the present law to deal with seditious articles, and whether the Law Officers of the Crown had been consulted on the question. In short he desired to know what it was that had induced the Government to make these clauses part of the measure. He did not agree with noble Lords who had blamed the Government for not introducing this measure sooner; for even if he had less confidence in them than he actually had, yet their motives being admittedly honest, and their measure being approved, they were surely the best judges of the time for introducing them. On this head he had no quarrel with them. He was aware that their Lordships were not favoured much with information, for many Papers were presented to the other House and sent to the newspapers which were not communicated to their Lordships: but he was not aware of any information before the House, or in the public prints, which showed that it was necessary to put such new and such large powers into the hands of the Executive. He agreed with the noble Lord (Lord Dufferin) that it was humiliating to think that so large a portion of the population was incapable of enjoying those free institutions which were the admiration of the world, and were supposed to be essential to the well-being of the country.

EARL GRANVILLE said, he thought his noble Friend (Lord Dufferin) in introducing the measure, had made a very complete statement, though no doub the had abstained from troubling their Lordships with matters already too notorious, and contented himself with narrating a few examples and reading a moderate quantity of extracts from the newspapers. All their Lordships were acquainted with the character of certain portions of the Press in Ireland, and, if necessary, the Government could produce baskets full of extracts showing its seditious character. As to the question of his noble Friend (Lord Lyveden), prosecution under the present law had not been attended with success; mere imprisonment of the reputed publisher or proprietor did not stop the publication, which often became more violent after a prosecution.

THE DUKE OF ABERCORN said, he could not blame the Government for not having instituted prosecutions against the Press, because he knew the difficulty and uncertainty of such prosecutions. Even after a successful prosecution and imprisonment of the proprietors or writers of a seditious paper, there were frequently no means, except a second prosecution, of putting a stop to equally seditious articles from the same paper. Imprisonment also under such circumstances carried with it a certain prestige of martyrdom. It was quite impossible for anyone who was not acquainted with the facts to understand how the lower classes in Ireland were flooded with seditious articles. The greater portion of the lower classes in the South and West of Ireland read scarcely any other papers but seditious ones; and these papers were often written with great talent, and were calculated to do a great deal of harm. He thought that some such enactment as the present was absolutely necessary, and that without it they could never hope for the future quiet and prosperity of the country.

THE MARQUESS OF CLANRICARDE said, the censures passed upon Irish newspapers ought not to be confined to what was called the national Press; there were other papers quite as bad in their mode of treating the condition of Ireland during the last few years, and they had greater effect and were less excusable, because they professed all the time to be friends and supporters of the Government. He trusted the Government, notwithstanding this affectation of support, would deal impartially in the matter. He had been much amused on reading an article in one of these journals urging the people to defeat the Bill and take care the Press did not suffer, by abstaining from all outrages and keeping the country so quiet that the Lord Lieutenant would have no occasion to proclaim it. That was excellent advice—but why had it not been given during last summer or spring?

Amendments made,

LORD DUFFERIN *moved* the following addition to the clause:—

"Where after the passing of this Act any newspaper printed elsewhere than in Ireland is published or circulated in Ireland, and contains any such engraving, matter, expressions, or incitements as aforesaid, all copies of such newspaper, wherever found, shall be forfeited to Her Majesty."

THE MARQUESS OF SALISBURY asked, if the clause as amended would enable the Government to seize *The Times*, if it reprinted any extracts from seditious Irish journals which its correspondents might send over in their letters?

THE LORD CHANCELLOR apprehended that nothing would justify the seizure in England under an Act applying only to Ireland.

THE MARQUESS OF SALISBURY asked whether the subsequent numbers of a paper, which had once been seized would also be liable to seizure?

THE LORD CHANCELLOR replied in the negative. No copies of a paper would be liable to seizure except those in which a seditious article actually appears.

Clause, as amended, *agreed to.*

Clauses 30 to 37, inclusive, *agreed to.*

Clause 38 (Power to grand jury to present compensation, to be paid in certain cases of murder or maiming).

The Earl of COURTOWN observed that in small villages difficulty might be experienced in serving the notices mentioned in the clause, and therefore he suggested that in such places the requisite notices should be served upon two justices of the peace in petty sessions.

Lord DUFFERIN said, he had no objection to the clause being amended in the manner suggested by the noble Earl.

Lord DUNSANY expressed his regret that Her Majesty's Ministers had not maintained the clause in the form in which it was originally brought into Parliament, under which it would have been the interest of every person to preserve the peace.

The Marquess of CLANRICARDE said, that as the clause stood it might so happen that the person to whom the injury was done would have to pay the whole or nearly the whole of the compensation, because he might be the owner of the whole or nearly the whole of the hundred or barony. Such a case had actually occurred in the county of Tipperary.

Viscount LISMORE said, that two cases had occurred, in each of which nearly the whole of the compensation would have fallen on one person.

The LORD CHANCELLOR said, the charge was put on the hundred not because it was assumed that all the inhabitants were abettors in the crime, but because it was assumed that they had been negligent in the adoption of precautionary measures. He thought therefore that if nearly the whole of the hundred belonged to one individual it was right he should pay the great bulk of the compensation.

The Earl of DERBY suggested that, perhaps, it might be better to extend the area of the compensation, so as to make it include the whole county.

The Earl of KIMBERLEY said, that as the clause was in the nature of a penal enactment, as well as one providing for the payment of compensation, he thought it would not be well to enlarge the area, because if they did so he thought its operation would be rather unfair, especially in large counties.

Clause *agreed to*

Remaining clauses *agreed to.*

Schedules *agreed to*, with verbal Amendments.

House *resumed.*

Standing Orders, Nos. 37. and 38. *considered* (according to Order) and *dispensed with.*

Amendments *reported.*

Clause 15 (Power to issue warrants to search in proclaimed districts for documents in handwriting of persons suspected of writing threatening letters).

Lord REDESDALE proposed the omission of the words "in his handwriting" before "documents," as those words would unnecessarily hamper the operation of the clause.

The LORD CHANCELLOR said, the object of the clause was, by finding documents in a man's handwriting in his house, to obtain the means of ascertaining, by a comparison of the handwriting, whether he had written a particular threatening letter. If, therefore, they omitted the words "in his handwriting," they would drift into the doctrine of general warrants—a very grave matter; for the search would then be a general one, directed to see whether they could not find out evidence of any offence.

After a few words from Earl Granville, the Earl of Courtown, and Lord Chelmsford,

Amendment *withdrawn.*

Further Amendments made; Bill read 3ª, with the Amendments, and *passed*, and sent to the Commons.

ATTORNEYS AND SOLICITORS (IRELAND).—POSTPONEMENT OF NOTICE.

The LORD CHANCELLOR said, he had a request to make to his noble and learned Friend (Lord Chelmsford), who had given notice of his intention to move an Address that evening for the appointment of a Commission to inquire into the statements contained in a Petition from certain Solicitors and Attorneys in Ireland, in regard to fees levied from them by the Hon. Society of King's Inns, Dublin. It appeared to him that some of the statements of the Petition, if they could be substantiated, would demand inquiry. At the same time he had felt it his duty to communicate with persons who had more information than he could possess on the subject—namely, those connected with the profession in Ireland; and he found that it was desirable and also that it was desired, on the part of certain of the Benchers in Ireland, and especially by the Law Officers, and, he believed, also by some of the Judges, that some opportunity should be given them to look into the matter. He therefore hoped his noble and learned Friend would not proceed with his Motion until a reasonable time was allowed for seeing whether there was any answer to be made to the *primâ facie* case set forth in the Petition.

Lord CHELMSFORD said, he had no other wish than that the House should csme fully prepared to deal with the question he had to bring forward, and he at once yielded to the request made to him to defer it for the present.

Motion *postponed* till Friday the 8th of April.

House adjourned at a quarter past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 31*st March*, 1870.

MINUTES.] — Public Bills — *Ordered—First Reading*—Poaching Prevention Act Repeal * [93].
Second Reading—Naturalization * [86].
Committee—Irish Land [29]—R.P.; Attorneys' and Solicitors' Remuneration * [6]—R.P.
Committee—Report—Oyster and Mussel Fisheries Supplemental (*re-comm.*) * [34].
Withdrawn—Pawnbrokers * [79].

USE OF GAS IN LIGHTHOUSES.

QUESTION.

Mr. PIM said, he wished to ask the Secretary to the Board of Trade, Why the recommendation of Professor Tyndall, for the further encouragement in Ireland of the system of illuminating lighthouses with gas instead of oil, as given in his Report to the Board of Trade on the 29th June last, has not been acted on, Professor Tyndall's Report having been made after his inspection (by order of the Board of Trade) of the lighthouses at the Howth Baily and Wicklow Head, where this system has been in operation, in the first case for more than four years, and in the second case for more than two years, with successful results; whether it is the fact that the Commissioners of Irish Lights have asked the consent of the Board of Trade to apply the gas system of illumination to the lighthouses at Mino Head and Hook Tower, on the South East Coast of Ireland, and that that consent has been withheld by the Board of Trade; and, on what grounds the Secretary to the Board of Trade withholds his consent to the more extended use of a system of illumination which, in addition to other advantages stated by Dr. Tyndall, is at the same time more brilliant and more economical?

Mr. SHAW LEFEVRE: In consequence, Sir, of the very favourable report on the subject, the Board of Trade placed themselves in communication with the proper authorities with the view to extend the proposed system of gas to all the lighthouses of the United Kingdom; but they found considerable difference of opinion on the subject among the local authorities and on the part of the Government Engineers, Messrs. Stephenson, and the Northern Lights Commissioners as to the alleged superiority in brilliancy and economy of gas as compared with oil. In consequence the Board of Trade thought it best to direct that an accurate investigation should be made, and until it is completed they do not think it is desirable to extend the application of gas to the lighthouses of Ireland. It is true that the Irish Lights Commissioners have applied for permission to introduce gas instead of oil; but the sanction of the Board is withheld until the result of the investigation is ascertained.

IRELAND—SALE OF POISON.

QUESTION.

Mr. AGAR-ELLIS said, he wished to ask Mr. Solicitor General for Ireland, Whether there is any Law in Ireland for the prevention of the unlimited sale of poison; and, if not, whether it is the intention of Government to bring in a measure for that purpose?

The SOLICITOR GENERAL for IRELAND (Mr. Dowse), in reply, stated that there was an Act of Parliament at present in force in Ireland regulating the sale of arsenic. The provisions of the Pharmacy Acts, however, of 1852, 1868, and 1869, which imposed limitations on the sale of poisons generally, did not extend to Ireland, and he saw no good reason why they should not. He hoped, before long, to be able to lay on the Table a measure on the subject.

SUFFRAGAN BISHOPS.—QUESTION.

MR. BOWRING said, he would beg to ask the First Lord of the Treasury, Out of what funds it is intended that the salaries of the Suffragan Bishops now in course of appointment in various parts of the country shall be paid; and, whether it is the intention of Her Majesty's Government to propose to Parliament any alteration in the present law (passed in the reign of King Henry VIII.), whereby twenty-six Suffragan Bishops may at any time be appointed, the selection of such members of the episcopal body being practically vested altogether in the hands of the individual Archbishops and Bishops, and not in those of the Crown, whose right is limited to choosing one of any two names submitted to it?

MR. GLADSTONE: Sir, I will take up and answer the points of the Question asked by my hon. Friend with all the clearness in my power. In the first place, he speaks of the suffragan Bishops now in the course of appointment. Two suffragan Bishops have been appointed —one in the see of Lincoln, which is a very considerable diocese, containing a large number of clergy; and the other in Canterbury, where the demands upon the thought and time of the Archbishop, quite independently of that grievous attack of illness which, to the grief of the whole country, lately overtook him —quite independently, I say, of that attack, the demands on the time and thought of the Archbishop of Canterbury are such as to constitute that diocese a special case; and it is right that it should be known that the application for the appointment of a suffragan was made before the illness of the Archbishop. As to the second part of the Question, which rather assumes that the number of suffragan Bishops is to be increased, I have to say that I have not heard of any probability of a multiplication of these applications. Every such application has to be considered on its own merits, and with reference to the special grounds which Her Majesty's Government would expect that any Bishop applying for a suffragan should be asked to produce. As to the funds from which the suffragan Bishops are to be paid, our information is rather limited, because that is a matter entirely arranged by the Bishops with the suffragans, in cases where the appointment is made. No demand, in any case, would be made upon any public fund whatever, either on those under the control of this House or on the funds of the Ecclesiastical Commissioners. My hon. Friend asks if it is the intention of the Government to propose any alteration in the present law, whereby twenty-six suffragan Bishops may be appointed. It is not the intention of the Government to propose any such alteration. Indeed, the exceeding difficulty of proposing to Parliament any plan for the extension of the Episcopate, combined with the general acknowledgment which Parliament has repeatedly given of the need of increased episcopal assistance, is the reason that chiefly contributed to bring the Government to the conclusion that they could best fulfil their duty by availing themselves of the means which the present law already affords. Nor do we take that view of the law which the Question of my hon. Friend expresses, for he has parenthetically intimated that the selection of suffragan members of the episcopal body practically rests altogether in the hands of the individual Archbishop or Bishop applying for the appointment of a suffragan. Now, in the first place, I must say that it is only in a very qualified sense that suffragan Bishops can be said to be members of the episcopal body, inasmuch as they not only have no right to sit in Parliament, but also they have no statutable recognition beyond the power of acting for the Bishop. They have no jurisdiction whatever belonging to them, and, if we were to suppose the case of the sudden death of a diocesan Bishop, in that case, if he had appointed a suffragan, the functions of that suffragan would lapse altogether, and he would become incapable of legally performing any episcopal act in virtue of his commisson as suffragan. Now, my hon. Friend appears to think that the appointment of the suffragan is altogether in the hands of the individual Archbishop or Bishop. According to the view of the Government that is not quite correct. It is quite true that the Act stipulates that two names shall be furnished, whereof Her Majesty shall select one. This obligation admits of some modification, because the Acts of Parliament are not, generally speaking, compulsory on the Crown. It is, therefore, in the power of the Executive Government to inquire as to who are the persons intended to be proposed as suffragans in any given case before consenting to entertain the question at all. They, therefore, have a control much beyond that which would appear to be conveyed by the simple intimation in the Act, that of the two names to be supplied by the Archbishop or Bishop one shall be selected. I think I have now answered, as clearly and fully as possible, the various points raised by the Question of my hon. Friend. But I wish to make one further remark —namely, that though this is a very novel matter, yet the expedient on which we have thought it our duty to fall back, under the circumstances of the case, is one respecting which we have the strongest grounds for the course we have adopted. But as to the method of proceeding, that is a subject which requires a great deal of consideration. We have not been able at the moment to make any such attempt as that of laying down general rules, even for our own guidance; but we quite feel that it would be very desirable that general rules applicable to the proceedings under the Act should be, if possible, arranged in some official shape, so as to show that we are not guided only by random considerations, from time to time; and as soon as the pressure of Public Business will allow of it, we shall hope to apply ourselves to the consideration of the best means of embodying the views we entertain on the subject, and of bringing them within the cognizance of Parliament.

Mr. BOUVERIE: May I ask when the Returns which I have moved for on this subject will be laid before Parliament?

Mr. GLADSTONE: I really cannot inform my right hon. Friend; but I will make inquiries and communicate with him on the subject.

DEBTS OF SPAIN AND PORTUGAL. QUESTION.

Mr. SOMERSET BEAUMONT said, he wished to ask, Whether any debts are owed by Spain or Portugal to this Country; and, if so, to specify the same?

The CHANCELLOR of the EXCHEQUER: Sir, the Government of Spain is indebted to this country, for money, provisions, and stores supplied during the Peninsular War to the amount of £7,701,000. The Spanish Government have a counter claim of £60,000, which, if allowed, would reduce the debt to £7,641,000. The Government of Portugal is indebted to this country on the same grounds in the sum of £2,489,000. Neither the British Government, nor the House of Commons have ever taken any steps towards surrendering these claims.

Mr. HUNT: Have Her Majesty's Government made any application to the Governments of Spain and Portugal for the payment of these amounts?

The CHANCELLOR of the EXCHEQUER: What Government does the right hon. Gentleman mean?

Mr. HUNT: The present Government.

The CHANCELLOR of the EXCHEQUER; No, they have not.

THE NEUTRALITY LAWS.—QUESTION.

Mr. W. H GREGORY said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it is the intention of the Government to bring in a Bill to amend our Neutrality Laws, in accordance with the recommendations of the late Royal Commission?

Mr. OTWAY said, in reply, that it had been the wish of the Government to introduce a Bill on this subject during the present Session, and, indeed, a Bill was in a very advanced state of preparation; but, looking at the importance of the subject, the fact that it would require great attention from Parliament, and the pressure of Public Business, the Government thought it impossible to introduce the measure during the present Session. If the question were not carefully dealt with, greater inconvenience might be caused than that which we sought to remedy.

PALACE OF WESTMINSTER—DRAWINGS OF MR. BARRY.—QUESTION.

Mr. TIPPING said, he wished to ask the First Commissioner of Works, If it is true, as stated in the "Builder" newspaper, that he has demanded of the architect the drawings of the Houses of Parliament; and, if he is aware that the Royal Institute of British Architects has declared that such a demand is not in accordance with professional custom, according to which such drawings are the property of the architect?

MR. AYRTON: It is correct, Sir, that I have asked Mr. Barry to deposit in the Office of the Board of Works certain plans prepared by him for Her Majesty's service and paid for by the public. It is also correct—at least I have been so informed—that certain architects have resolved that they are entitled to keep plans that they have prepared for other people who have paid for them. I have referred all the Papers to the usual advisers of the Board of Works in order to ascertain what the rights of the Crown are.

SPANISH BULL-FIGHTS AT ISLINGTON.

QUESTION.

MR. MONK said, he would beg to ask the Secretary of the Home Department, Whether his attention has been called to the introduction of so-called Spanish Bull-Fights into the Metropolis; and, if so, whether it is not in the power of the Executive Government to prevent exhibitions of so demoralizing a tendency?

MR. BRUCE: Sir, I perceive that my hon. Friend has varied his Question. In the Notice Paper it runs "whether it is not the duty" of the Government to prevent these exhibitions; he now asks whether it is not "in their power" to prevent them. The fact is, that the powers of the Executive in this respect are very limited. With certain theatrical exhibitions the Lord Chamberlain can interfere; in the present instance it is very doubtful whether he can interfere. The power of the Secretary of State is very limited, and, in fact, has always hitherto been indirectly exercised. In the case of dangerous exhibitions, such as that of Blondin, and the exhibition which was mentioned here the other day, the Secretary of State may request that the exhibition may be discontinued, and may warn the parties that if an accident occurs they will be held responsible, and that the Secretary of State will institute a prosecution against them. In the present case the interference of the Secretary of State has necessarily been equally indirect. When this exhibition was announced the Commissioner of Police sent a policeman in order to report whether it involved any cruelty to animals, which would bring the case within 12 & 13 *Vic.*, and the police reported that there was no such cruelty to animals as would justify the prosecution. The attendance, I believe, then fell off, and the exhibition was suspended. After a time it was renewed, and cruelty was said to be practised on the animals for the purpose of rendering them more ferocious and combative. Consequently the police attended at the Hall, with the Secretary to the Society for the Prevention of Cruelty to Animals; the instruments of torture were seized; the performance was closed; the performers have been arrested under a warrant, and the case is now pending at the Clerkenwell Police Court.

LOSSES OF STEAM VESSELS.

QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the Secretary to the Board of Trade, Whether he can now give any information as to the nine steam vessels lost, seven of which are stated to have foundered at sea since the first of January; whether he is aware, as stated in the "Shields Gazette," that between the 1st of last July and the 3rd of November twenty-eight British steam vessels were lost at sea; and, whether the Board of Trade is in possession of any information as to this alleged great loss of life and property; and, whether any and how many of these cases have been made the subject of formal inquiry?

MR. SHAW-LEFEVRE said, in reply, that the Board of Trade had received reports respecting eight of the casualties referred to by the right hon. Member. Of these, two were collisions, resulting in the total loss of two vessels, and in partial damage to two others. Of the six other vessels, three were reported as having foundered; two were stranded; and one was supposed to have foundered. Inquiries were held by the Board of Trade in three of these cases. In two the officers and crew were acquitted of blame; in another, that of collision, the court of inquiry held the officers of the *Black Swan* to blame. With reference to the further Question of which the right hon. Member had only given him notice that day, he could not concisely state the number of vessels lost between the dates mentioned, though there was no doubt, however, that a considerable number of vessels were lost towards the end of last year. He, hoped, however, shortly to lay upon the Table of the House the Wreck Return for 1869, showing the number of vessels lost in the year, and giving each case in which loss of life occurred. It would also show in what cases the Board of Trade directed inquiry. He might mention that the Board did not direct inquiry into any loss of life, but only into those where the facts tended to show that there was misconduct of officers, or that the vessels were sent to sea in an unseaworthy state, or overloaded.

NEWSPAPER POSTAGE TO FRANCE AND AUSTRALIA.—QUESTION.

MR. W. H. SMITH said, he wished to ask the Postmaster General, If he will suspend the execution of the Order, and re-consider the scheme of which notice was given only a few days ago, under which it is proposed largely to increase the postage of newspapers to France and to the Australian Colonies, and to limit in other respects the facilities for their transmission?

THE MARQUESS OF HARTINGTON said, in reply, that great inconvenience had been experienced in the foreign newspaper branch at the Post Office and also by the public in consequence of the various rates of postage on newspapers sent to the Colonies and foreign countries, and the rule now adopted was to assimilate those principles, so that a uniform plan should be established, by which the system would be in all cases the same as that hitherto adopted in reference to newspapers sent to most foreign countries and the United States. He believed that that would be found the most convenient plan both for the Post Office and the public. He regretted, however, that some inconvenience had been experienced by the newspaper trade, in consequence of the short notice which had been given of the change; but it was impossible to extend the period, as the notice had gone through the country, and any postponement of the time now would only cause greater inconvenience. In answer to a Question, of which the hon. Member for Leeds (Mr. Baines had given him private notice, he had to state that there would be no change in the maximum limit of weight applied to newspapers or books posted in this country.

PARLIAMENT—PUBLIC BUSINESS.

QUESTION.

MR. WHITBREAD said, he would beg to ask the First Lord of the Treasury, Whether the Government will be able, on an early day, to bring in their Bill for taking the votes at Parliamentary Elections by Ballot, and for providing the other securities for the purity and freedom of Elections recommended in the Report of the Committee on Municipal and Parliamentary Elections?

MR. GLADSTONE: With the permission of the House, as I think it will be for the convenience of the House, I will take advantage of the Question of my hon. Friend to state what I can with respect to the condition of Public Business, and the prospects before us of carrying forward the measures which were introduced to the notice of Parliament in the Queen's Speech. On the part of the Government I may say we were conscious, when so many subjects were taken notice of, that the number was unusual, and that it might be very difficult to deal with all of them. We knew, on the other hand, that the public mind was in a very lively state of expectation as regards legislation; and we were disposed, therefore, to take a sanguine view of what might be done; and we engaged to undertake everything we thought there was a fair hope of being able to carry through Parliament. Our computations, which we made as carefully as we could, with regard to the progress of business, have been most seriously interfered with by the Irish Crime Bill. For though we have not the slightest title or disposition to complain of the time occupied in discussing the Bill, yet still the sudden intervention—for which no preparation could be made—of a measure which occupies six days of the time of the House, is a very serious event with regard to causing a pressure, and what may be called a congestion of business. The most important business of the Session, for which the Government is practically responsible, I should divide into three groups. In the first group there are four Bills which we think it right to place before the other Bills mentioned in the Queen's Speech, and the first of these is the Irish Land Bill. Considering the vast importance of that measure, we think it our duty to use every effort in our power, and to make every demand on the patience and indulgence of the House that circumstances will permit, for the sake of pressing forward that measure not only with a view to getting it through this House, but with a view to that which we do not always, perhaps, quite sufficiently consider—namely, the propriety, and even the necessity, of sending our important measures in such a succession to the House of Lords, and beginning to send them there at such a period of the year, that the House of Lords may have a fair advantage in discharging its legislative functions. Next to the Irish Land Bill comes the English Education Bill. With respect to that Bill also, we are most anxious that a Bill of that magnitude, and upon which the attention of the country is so concentrated, should run no risk whatever of being lost either in this House or the other House from want of time. We have, therefore, shown to the House there is a very special case at this moment for urging forward some special measures with a view to expediting business at this period of the Session. Next to the English Education Bill, we are desirous of introducing and carrying a measure for the purpose of closing a very long-contested subject—namely, the abolition of University Tests. In the view of the Government that stands next in importance to the English Education Bill; and next to that—we have exercised our best judgment in the order I have named—we are very desirous—and here I answer the Question of my hon. Friend —to be able to introduce during the present Session, and to pass during this Session, if we can, a measure founded on the Report of the Committee on Parliamentary and Municipal Elections. It is only fair to my hon. Friend that I should give these details; this is the best method I can adopt of enabling him to judge of the likelihood, which I hope is great, that we may be able to deal also with that subject. These are very important measures, and two of them, at least, are very large and ample measures. Besides, these there are other measures which, although of the first necessity, are not of the first magnitude. One of them is the Naturalization Bill. This is a matter of the first necessity, though I do not think it likely to take much time, and I hope the House will dispose of it with rapidity. It has passed the other House, and it is necessary this House should dispose of it in order to enable the Government to complete with foreign Powers arrangements it is desirous of making under the provisions of the Bill. There are several other measures it will be necessary to deal with in the Session, and one of them is the Irish Matrimonial Jurisdiction Bill. ["Oh, oh!"] I suppose hon. Members whose palates have been stimulated by such diet as I have been offering do not find the same stimulus with the Irish Matrimonial Jurisdiction Bill; still I presume it is desirable that people should be married in Ireland, and that the practice of marriage should not be absolutely at a stand-still in consequence of the disestablishment of the Irish Church. The necessity for this measure arises out of the Irish Church Act of last year, and it is absolutely our duty to take it up and carry it forward. With regard to other measures mentioned in the Speech from the Throne, all I can say is that if circumstances are favourable we shall endeavour to redeem all our engagements; but I postpone these measures to the four measures I have mentioned in the first group, and to the second group which I have also mentioned as absolutely necessary. In order to relieve us from the position in which we have been placed by the necessity of dealing with the Irish Crime Bill, and in order to enable us to pay due respect to the House of Lords by sending them the Irish Land Bill at a proper period of the Session, I hope the House will be disposed to assist us a little before the Easter Recess. I will make further explanations afterwards; but what I will ask is that from the present up to the Easter Recess there shall be Morning Sittings on Tuesday and Friday. I assure the House that this proposal grows out of the unforeseen necessity brought upon us by the Irish Crime Bill, and it is not in the least degree intended thereby to commit the House to the practice of Morning Sittings after the Easter Recess. After the Easter Recess I think we shall be in a condition in all probability to revert to the ordinary Sittings, and in all likelihood to postpone

Morning Sittings until the usual period of the year. If those Morning Sittings for which I am disposed to ask the House at present, on the part of the Government, should be conceded, and if it should happen that there is any important Motion, the discussion of which would be prevented by granting them, then I admit we should be under the obligation after Easter to find room for the discussion of such a Motion. There is an alternative to Morning Sittings, and I am almost afraid to mention it, because it would not be agreeable to the Members of the Government individually nor to the Members of the House; still it is one which public duty would not permit us to put out of view, considering the extreme gravity of the circumstances with which we have to deal, and that alternative is the curtailment of the Easter Recess. ["Oh, oh!"] I heartily wish it were in my power, instead of dealing with these unpalatable proposals, to manufacture a little time; but no patent has yet been taken out for any process by which that object can be effected. The shortening of the Easter Recess is the only other alternative; but I do not know it need be curtailed more than has been already stated, if the House is kindly disposed to accede to the proposal I make. The great object we have in view is, first, to get ample time for discussing the very important provisions of the Irish Land Bill; and, secondly, if possible, to come to a conclusion before Easter, for it would be a great advantage to Irish tenants to be able to consider the provisions of the Bill during the Recess. I know it may not be possible to get through the Bill; but in case we find it impossible to do so before Easter there is a measure we can adopt. The Bill relates partly to the occupation and partly to the ownership of land, and these two subjects are separable the one from the other. If, therefore, we are able, as I trust confidently we shall be, to get through the clauses relating to the occupation of land before Easter, I propose that we should instruct the Committee to reconstruct the measure and divide it into two Bills, that we may send forward that which relates to the occupation, and that it may be considered in Ireland; and then, after Easter, we may consider the less onerous part of the Bill relating to the ownership of land. Therefore, it will be my duty to-night, after the Committee upon the Irish Land Bill, to make a Motion for the purpose of taking the opinion of the House, which I hope will be favourable, upon the proposal to hold a Morning Sitting to-morrow. There is another reason why this Morning Sitting is of importance, and that is that the Peace Preservation Bill has come back from the House of Lords with certain Amendments, which I understand are verbal, with one exception, which may be considered an Amendment in substance. We could not propose it to the House without giving hon. Members, and particularly those from Ireland, an opportunity of considering it; and I should wish, therefore, to propose that the Lords' Amendments to the Peace Preservation (Ireland) Bill should be considered to-morrow, at Two o'clock, as the first Order of the Day.

MR. DISRAELI: I am sorry at any time to make a Motion in this House without notice; but my doing so, in the present instance, is the consequence of the right hon. Gentleman deciding upon making so important a communication to the House, without its having an opportunity of expressing an opinion upon the subject. I must take this early opportunity of protesting against the proposition to have Morning Sittings on the Irish Land Bill, and there are several very strong reasons for objecting to that course. In the first place, I think we must consider a little the privileges of independent Members upon both sides of the House. They have liberally given way, in order to advance the Public Business of the Government during the present Session, and I can say sincerely I always feel it an almost paramount duty to support the Ministry whenever they make a proposition for the advancement of public business, even at a sacrifice of personal or party interest. But there is a line at which, I think, the privileges of Members of the House may be invaded with great disadvantages to the public service. During the present Session, which has already lasted nearly two months, hon. Members who are interested in many subjects of importance, have lost the legitimate opportunities they had acquired of bringing those subjects before the House; and I think we ought not to accede to any proposition of the kind just made, at this period of the year, without duly considering the effect our decision may have upon those legitimate privileges. The privileges of Members are the privileges of the country, There is another reason why we ought to hesitate in acceding to this proposal. I do not think there has been that fair opportunity of bringing forward questions in which the people of Great Britain are interested which they have a right to expect in a British House of Commons. No doubt the causes which occasion such a monopoly of discussion being afforded to Ireland may be indicated without difficulty, and ought to have due influence upon our dispassionate decision. But, at the same time, it cannot be doubted that both during the last Session of Parliament, and during the whole of the last two months, no questions in which England and Scotland are concerned have been allowed to be brought forward; and if the system of giving up Morning Sittings to Irish Bills, and before Easter, is adopted, I can at once mention several questions of the utmost importance, in which Great Britain is concerned, which cannot be brought forward, and of which notice has been given. I think there is a third, and a still stronger reason even than these, against the proposal of the Prime Minister—and that is, that really of all measures that I know this measure, connected with the tenure of land in Ireland, is one which cannot be hurried through the House. If this were a Coercion Bill I could easily understand that in the case of a Bill of that temporary, I trust, and certainly of that exigent nature, such an appeal as that addressed to the House by the Prime Minister would not be made in vain. But the Bill for the regulation of the tenure of land in Ireland is a Bill by no means of a temporary character. It is a Bill of an essentially permanent character, and in its permanent character it involves the discussion of very novel principles. Such a measure ought not to be hurried through the House. Now, what is another consequence of our having these Morning Sittings? We are at once deprived, generally speaking, of the advantage of the presence of all the gentlemen of the long robe, whose presence in the discussion of such a subject is extremely desirable. Then it was once the boast of the House of Commons that we possessed on our Benches some of the most enlightened members of the commercial body, whose opinion upon great subjects of policy was always looked up to, and always had considerable influence upon our debates and decisions. In these Morning Sittings I observe we are always deprived of the presence of all those Gentlemen, as it is impossible to expect that, with the urgent claims on their attention in the City of London, they could come down and assist at our morning deliberations. Our morning deliberations, therefore, are essentially of an unsatisfactory character, and less general interest is taken in the discussions than at other periods. Practically speaking, what do we gain by now adopting Morning Sittings? Is there any Gentleman on either side of the House so sanguine as to suppose that if we give up these Mornings before Easter for the purpose of discussing the Land Bill, we shall be able to settle all those important clauses with respect to the occupation of land in Ireland—the most important part of the Bill? Judge from the progress we have made. It has certainly not been a progress that has been retarded by any factious or party movement; it has been fair discussion; and yet, judging by the progress we have made, can we suppose that by breaking through our general rule with regard to business we can possibly succeed in carrying this Bill, so far as the occupation clauses are concerned, before Easter? I should be very sorry to see this Bill, and especially that portion of it, hurried through the House. It demands, it requires, and it must receive the most ample and dispassionate discussion; and, therefore, I trust the right hon. Gentleman, who will have some hours to reflect upon it, will hesitate before he presses the House to make a change unprecedented so far as I can recollect—for I do not recollect that any Government has before asked for Morning Sittings before Easter—for a question not of exigency, but really respecting the principal measure of the Session, to which they can give up all the Government nights at discretion. I might have ended—and will end if the House demands it—by a Motion on this subject; but I would rather appeal to the kindness and indulgence of the House to pardon me for intruding upon their attention. But I felt it to be my duty, from the position I occupy in this House, to advert at this period to a subject of such importance to Members on both sides of the House.

Mr. GLADSTONE explained that the form of proceeding he should adopt would be to move, at the close of the Committee on the Irish Land Bill to-night, that it be appointed as an Order of the Day for the Morning Sitting to-morrow, at Two o'clock.

LICENSING BILL.—QUESTION.

Mr. HIBBERT said, he would beg to ask, When the Government propose to proceed with the Licensing Bill?

Mr. GLADSTONE said, that he had not mentioned the Licensing Bill by name; but he had referred to a group of Bills containing those that were named in the Queen's Speech. All he could say was that the Government would do their best with respect to them; but until the other business was further advanced he could not fix a time for them.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE.

[*Progress 28th March.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Legality of Ulster tenant-right custom).

Dr. BALL moved, in page 1, line 20, after "custom," insert the following paragraph:—

> "Where a tenant or his predecessor in title has within ten years before the passing of this Act taken, or where a tenant shall hereafter take, a holding directly from his landlord, without having given to any outgoing tenant any valuable consideration for the same, such holding shall thenceforth cease to be subject to the Ulster tenant-right custom."

He said, the object of this Amendment was to carry out the policy of the Bill, and to extend it to cases in which a man went into the occupation of a farm which was not at that time subject to any tenant-right custom. The Government Bill provided for the case of a landlord purchasing the tenant-right as Lord Dufferin had done, and the object of his Amendment was to insure that when once the tenant-right was discharged, it should not be again created by a subsequent reletting of the land. It might be said that the Judges would not entertain any such claim; but he was not certain of that, because there might be peculiar usages on some estates.

Mr. GLADSTONE said, he hoped the right hon. and learned Gentleman would not press his Motion for the insertion of these words, because the contract between a landlord and his tenant was left perfectly free under the clause. If any Ulster landlord chose to let to a tenant any land of which the tenant-right had been bought up, he would provide by contract that the land should be free from the Ulster usage, and that no claim should be made upon him in that respect. If the right hon. and learned Gentleman's words were introduced, inconvenient questions might be raised, although the Court had by the Bill absolute power to determine whether or not any custom prevailed. To provide for any particular case in which there might be a doubt would be to encumber the Bill, and thereby weaken its operative effect. By the Bill, as it at present stood, a landlord was perfectly free to make any covenant he pleased with a future tenant to prevent the latter setting up any claim.

Colonel FRENCH said, it had been suggested that it was advisable for the Government to give them a definition of tenant-right; but it was impossible to define a thing that did not exist. Although, however, they might not be able to define what tenant-right was at the present moment, there could be no difficulty in giving a Parliamentary definition to it for the future. When the subject was first brought before Parliament by Mr. Sharman Crawford, it was known as "Crawford's craze," and it was then objected that it was injurious to the tenant, as it prevented the accumulation of capital; because the tenant was called upon to pay twenty years' purchase, not for the fee simple of the farm, but for holding the transfer of a lease from another man, and what was that but putting the tenant at once under a double rent? The tenant was thus unable to till the land to advantage because he was deprived of his capital, and the only person who was benefited at all was the landlord, who secured the payment of all his rent. It was a well-known fact that during the famine in Ireland the proprietors of those estates on which tenant-right existed lost little or nothing of the sum due to them;

whereas considerably more than a year's rent was lost by the Western proprietors. The provision in the Bill which secured to the tenant the repayment of all moneys expended by him in permanent buildings and reclamation of land was wise and just to both landlord and tenant and had his hearty concurrence. He approved much that was in the Bill, and believed that its operation would be beneficial; but he was afraid that so great a number of small provisions would lead to a mass of litigation, and that the advantages which it was expected would be derived from the measure would thus be to a considerable extent obviated.

MR. BRUEN said, he thought the limit of ten years in the Amendment of his right hon. and learned Friend would inflict a certain amount of injustice on those who were just beyond that limit. He should prefer to see the clause adopted without such a limit of time, and he would throw the *onus probandi* of improvement on the landlord, making the words of the Amendment read—"When it is proved that the tenant or his predecessor in the title has taken, or where a tenant shall hereafter take," &c. He would have been glad if the Government had given way in that matter, and allowed a clause in the spirit of the Amendment proposed by the right hon. and learned Gentleman.

SIR ROUNDELL PALMER said, he felt a little embarrassment about this matter. The words proposed by the right hon. and learned Gentleman opposite (Dr. Ball) did seem to be defective in one respect, and open to question in another. They were defective for the reason pointed out by the right hon. Gentleman at the head of the Government—that they seemed to cover a case in which the contract between the parties might be that the land should be taken subject to the custom. He concurred with the hon. Gentleman who had last spoken, that in principle there could be no reason for limiting the Amendment as to the past for ten years. The chief source of embarrassment that he felt was, that if they left the clause simply as it stood without the second paragraph, then in each particular case a particular holding must be proved to be subject to the custom, and it might be contended, even where the landlord had bought out the custom, that a particular holding was still subject to it. But there was a later clause which declared, with regard to the past as well as to the future, that if a landlord had purchased the custom from the tenant, the holding should thenceforth cease to be subject to the custom. He would, himself, be content to leave the matter in the hands of the Government to adjust the language of the clause now or hereafter.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he hoped the right hon. and learned Gentleman would not press the Amendment, as it was calculated to lead to considerable complication. The presumption of the law would not be in favour of the custom, because the tenant would be required to prove that his holding was subject to it. But then the Amendment went on to declare that—

> "Where a tenant shall hereafter take a holding directly from his landlord, without having given to any outgoing tenant any valuable consideration for the same, such holding shall thenceforth cease to be subject to the Ulster tenant-right custom."

But if the Act was to be permanent, that Amendment would apply to a number of cases which its framer had never contemplated. A tenant might get a farm from his landlord without giving the previous tenant any valuable consideration, or he might inherit it from another man by will, or receive it as a gift. In any of these cases there would be no valuable consideration given to the outgoing tenant; but still the new tenant would hold the land subject to all rights, and, among others, to that valuable one known as tenant-right. None of these cases had been contemplated in the Amendment, which dealt unjustly with the tenant in the past, in the matter of the ten years' limit, as well as in the future.

SIR FREDERICK W. HEYGATE said, he agreed with the hon. and learned Gentleman who had just sat down. If the Amendment was agreed to it would have the effect, in a great number of cases, of doing away with the Ulster custom altogether. Not one tenant in fifty had ever paid actual money for his tenant-right; for so great was the confidence and good will existing between the landlords and tenants in Ulster that the tenancies often went on in an unbroken series from father to son for many years, and though a tenant under these circumstances might not have paid any valuable consideration, he was as much entitled to the protection of tenant-right as if he had paid for the practice all his life. He wished to ask the right hon. Gentleman opposite (Mr. C. Fortescue) whether, supposing the landlord bought out and extinguished the tenant-right, the tenant would, under Clause 3, be entitled to compensation under the different scales there set out, and also to compensation for improvements?

Mr. CHICHESTER FORTESCUE said, the intention of the Bill and of the Government was, that a tenant in Ulster who, for any reason whatever, was not subject to the Ulster custom should come under the general provisions of the Bill, whatever his claims or position might be. If for any reason whatever, not confined to the particular method indicated in the words of the Amendment, the Court found that a particular holding coming before it was not subject to the custom, it would not enforce that custom, and the holding would be treated like any other holding from year to year.

Dr. BALL said, he would not press his Amendment since he found himself opposed not only by the Government, but by so high an authority on the Ulster custom as his hon. Friend (Sir Frederick W. Heygate). He had introduced it at the suggestion of various gentlemen connected with Ulster.

Amendment, by leave, *withdrawn.*

Mr. CORRANCE moved another Amendment to the 1st clause, to the effect that, where a landlord buys up the Ulster tenant-right, all other claims to compensation should be extinguished, except for improvements made by the tenant during his tenancy. He did not intend to go into the question of the Ulster custom more than to say that in this so-called recognition of the Ulster tenant-right the Committee had, in fact, created a right which did not previously exist. The right formerly existed between the two tenants; but now, for the first time, it was sought to give it a security on the landlord's property. He did not know, however, that they had any right to take exception to it, because the Ulster landlords, with great generosity, had freely acceded to that security being placed on their property, in which, after all, there was some justice, for the right could not be created without the assent and consent of the landlord, and to that extent undoubtedly the landlord made himself liable. He rejoiced at that for two reasons—first, because the tenant would gain a very considerable boon; and, secondly, because when the landlord had placed the security of this transaction upon his own property, he would take a great deal more care as to the amount of money involved in the custom, and we should no more hear of twenty, forty, and even sixty years' purchase being given. He did not think that tenant-right itself could be justified on any abstract principle—it was, indeed, opposed to all principle, and was simply a matter of expediency. But beyond that there was another serious question. He felt greatly in doubt whether, under any possible circumstances, the landlords, generally speaking, would avail themselves of this part of the measure, which presupposed in the landlords what he was afraid they did not always possess—a very enlightened view of the future, and a very considerable stock of ready money. He did not think there need be the least apprehension of the extinction of the custom taking place—it would only take place extending over a great number of years, and after there had been a long line of landlords who in turn combined wealth enough and intelligence enough to see the enormous ultimate advantages which would accrue to them. It was the duty of the House to afford the landlords every possible facility for performing the operation. What he wanted to know—and the reason which had led him to propose this Amendment was—whether the clause, after tenant-right had been extinguished in a particular case, would free the landlord from further payments to the tenant for compensation or not, except in the case of improvements effected by the tenant? The need of some such Amendment as he now proposed was made abundantly manifest by a remark made the other night by an hon. Member (Mr. Whitwell), who declared that, in one instance which had come under his observation, the landlord had paid no less than £800 for the tenant-right of a farm of only twenty-five acres. This was an evil which the Bill as it stood, instead of removing, would stereotype and aggravate. He contended that, unless amended, the Bill would act most injuriously upon the landlord, and in this way—Naturally enough, when the landlord redeemed the right by the payment of a fixed sum to the tenant, he would think himself relieved from further claims; but such was not the case, he could still be brought under the influence of the 3rd clause, and he would then have to pay another sum in addition to the one he had paid for the redemption of the right. That, in his opinion, was legislation run mad. It was certainly a most intolerable injustice. If such should turn out to be the real principle of the Bill, and if it were found to work as he maintained, those who sat on the Opposition side had certainly done wrong in agreeing to the second reading. They were told that what he was speaking of would be no burden upon the tenants. Now in his own county there prevailed a system of valuation, which varied according to the locality, but which, in certain instances was enormous. The result of that had been that the tenants, exercising their good sense, had sometimes incurred a loss rather than keep up the excessive system of valuation. But there was a difference he marked in the valuation for improvements. The loss of the tenant only extended to the loss upon his capital for about one and a-half years. He bought up the improvements for that period of time; but at the end of that period he could convert them into money. He, therefore, lost interest upon a deposit only for the one and a-half years, and yet even that was regarded as an intolerable nuisance. He approved some of the objects of the Bill; but it was so obscurely worded that it conveyed a great deal more than it ought to do. It ought to be fairly recognized that this was only temporary legislation; the Bill had no pretension to be final or complete; it was based upon no recognized principle of political economy; and it behoved them to see that Ireland was not made to suffer, as the Prime Minister said she had done, in the past, from the evils inflicted upon her by legislation. He therefore called upon the House to pause before passing the Bill unamended. He wished to move the Amendment which stood in his name.

Amendment proposed,

In page 1, line 20, after the word "custom," to insert the words "or custom, or usage, or compensation, except for improvements made by the tenant during his tenancy, hereafter recognized or conferred in other Clauses of this Act."—(*Mr. Corrance.*)

COLONEL BARTTELOT said, he wished the Government to read the first portion of the clause along with the Amendment that had just been submitted. The clause said that—

> "Where the landlord has purchased from the tenant the Ulster tenant-right custom to which his holding is subject, such holding shall thenceforth cease to be subject to the Ulster tenant-right custom."

Now he wished to ask the right hon. Gentleman at the head of the Government this question—supposing the landlord did not purchase this tenant-right custom, and the tenant had not established the custom before any court of law, would the tenant be able to apply for compensation under the 3rd clause of the Bill, preferring that clause to Ulster tenant-right? [Several MEMBERS: Yes.] If so, what benefit did the second paragraph of the 1st clause confer? The Bill pretended to give with one hand and it took away with the other. It was manifestly unjust that where the custom had been in operation for a considerable number of years, and where a landlord might fairly think he was perfectly safe under the Ulster tenant-right, a tenant who might farm badly, who might be in every way a most undesirable tenant, and of whom the landlord might wish to get rid, should be able to say—"If I go I can claim under the other clauses of the Act," and perhaps to claim a much larger compensation than he would be entitled to if the landlord were to buy up the tenant-right. That would be neither fair nor right. He had always understood that it was to be an agreement between the tenant going out and the tenant coming in.

MR. GLADSTONE: But subject to the condition that the landlord gives permission to the tenant coming in.

COLONEL BARTTELOT: That was all very well; but he should like to learn distinctly whether or not the tenant in such an instance as he had given would be able to claim compensation under Clause 3?

MR. G. B. GREGORY said, what he understood by the Amendment was that any holding on which the Ulster tenant-right had been purchased by the landlord ought not to come under the 3rd section of the Bill. The Ulster tenant-right was the right of the tenant to demand compensation either from his landlord or the incoming tenant, the value of the right varying on different estates, but including his interest, whether for buildings or any other improvements. Now, it was admitted on all hands that this tenant-right ought to be put an end to as soon as possible. [Mr. GLADSTONE: No, no!] At all events people in England were of opinion that the incoming tenant ought not to expend most of his money upon purchasing the goodwill, and have none to devote to the practical cultivation of his farm, and that was a condemnation of tenant-right. With respect to the Amendment before the Committee, either that or some one of a similar nature would be requisite to make the Bill work properly. One portion of the scale under the 3rd section was to give seven years' rent to a tenant claiming against a landlord in certain cases. But the tenant-right of Ulster varied from two to five years' purchase, and if the landlord bought up the tenant-right, why should he be subjected to a further claim for compensation under the 3rd clause? That would be certainly a very great evil, and unless such provision as the one now proposed were adopted the object which they all had in view in passing a Land Bill would be defeated.

DR. BALL suggested that, as the object in view was much better expressed in an Amendment put on the Paper by his hon. Friend who had just spoken, the Amendment before the Committee should be withdrawn.

MR. CHICHESTER FORTESCUE said, the Government could not agree to the Amendment of the hon. Member (Mr. Corrance) being withdrawn. They considered it an Amendment that ought to be negatived. The hon. Member, and those who had followed him, had expressed great astonishment at the idea that a farm in Ulster which had been withdrawn from tenant-right custom was not to be deprived of the protection which was granted to all other holdings. He should like to ask the hon. Member why such a farm should not receive the same protection as others? The hon. Gentleman who spoke last but one was of opinion that the purchase of the Ulster tenant-right by the landlord ought to extinguish all future claims; but if the holding fell into the general category of holdings from year to year, why should it be treated differently from the rest, or why covered with a less amount of protection because it might be situated in Down and not in Cork? There was no reason whatever for making any distinction. The principle of the Bill was simply the principle that the Irish tenant required protection from the Legislature in one form or the other. If the tenant already had that protection in the shape of sound and wholesome custom he was allowed to make use of it; but if not, he was to receive that protection in statutory form.

COLONEL WILSON-PATTEN said, the Chief Secretary had not put the case fairly. He had failed to grapple with the difficulty started by the hon. Member for Sussex. Suppose a landlord purchased the tenant-right of a holding which amounted to only two years' rent, and the tenant still continued on the holding, would the tenant, in the event of having to leave, be able, under Clause 3, to claim seven years' rent from the landlord? [No, no!] Hon. Gentlemen might cry, "No, no;" but that certainly appeared to be the fact.

MR. GLADSTONE said, he did not see why the Ulster tenant whose right had been purchased should not receive the same protection as the ordinary yearly occupant. The tenant was in possession of a certain right which the Government held amounted to a virtual covenant, and he had the right to have that covenant declared. If the tenant was in the same need as other tenants, why not have the right declared? Where a man had ground down the tenant-right to one year he might get rid of it by one year's purchase; but where he had ground it down altogether he was open to the claim of seven years' compensation. The Ulster tenant ought not to lose anything in respect of claim as to damages in consequence of his possessing the claim under covenant, except where that claim gave him an adequate protection.

MR. GATHORNE HARDY said, the Ulster tenant would be placed in a very extraordinary position. He would, in fact, be entitled to something over and above what was given to all other tenants. [Mr. GLADSTONE: Where he is unprotected.] Precisely so. Suppose a landlord had a tenant who by the custom of his estate was allowed to have five years' purchase paid him by way of compensation, and the landlord bought the tenant-right for that sum. Suppose the tenant continued under the landlord, or a new tenant came in without paying anything, then at the close of his tenancy, according to the right hon. Gentleman, he might come to his landlord and say—"You must pay me seven years' purchase." The landlord would say—"What for?" The answer of the tenant would be—"Because you bought up my rights before by a sum which covered everything. All you were bound to pay in the former instance was five years' purchase, but now you must pay me seven years'." But it is said—"That is the maximum." Then, he would say, you are putting the landlord in a position in which no man ought to be put. Suppose he had got rid of the Ulster tenant-right by paying what was usual under the custom of the estate, he ought not to be called upon to pay more. The Ulster tenant-right was unsound and unwholesome; but it would be unsound and unwholesome to the last degree if, when a landlord had got rid of it by a payment of five years' purchase, he would have afterwards to pay seven years' purchase. His own opinion was that they had got into inextricable confusion upon this point.

MR. CHICHESTER FORTESCUE denied that there was any confusion whatever on the subject in the mind of the Government. What they said was that where there was not one form of protection there should be another. The right hon. Gentleman assumed that where a tenant had not paid for the goodwill on entering a holding he was not entitled to get anything. But the vast majority of the tenants in Ireland had not made any payment on entering into their holdings, and yet Her Majesty's Government held they were deserving of protection; and that was what they said with respect to the Ulster tenant.

SIR FREDERICK W. HEYGATE said, he thought that in attempting to extinguish the Ulster custom the Government had not acted very wisely, and he must also express surprise that the Act should have been so framed as to compensate the tenant twice over for the same thing.

MR. GLADSTONE said, that the Act was not framed as the hon. Baronet seemed to think.

SIR FREDERICK W. HEYGATE said, he could not accept this view, as, according to his reading of the Act, the tenants were first to be paid for the extinction of their rights which had existed under the custom, and then a further sum under another section of the Bill. He thought that compensation for improvements made in farms should be constantly proceeding; but he could not see why the occupation payment should continue to grow up.

MR. GLADSTONE said, he wished to explain how the matter stood in regard to this question of compensation. Supposing a landlord in Ulster purchased the tenant-right from an outgoing tenant, and then let the land to another tenant, who paid nothing on entering, why should the second tenant be placed in a legal position differing from that of a man who took a farm under precisely similar circumstances in Connaught. Hon. Gentlemen opposite were unquestionably wrong in supposing that any tenant would be compensated twice over for the same thing. It was a mistake to suppose that when a landlord bought up the tenant-right, and the tenancy did not then cease the tenant could go to the court and claim further compensation under Section 3 of the Act. The Judges would at once refer to Clause 14 of the Act, which expressly provided for such a case, and would settle the question on equitable grounds. The clause stated that in cases of dispute the Court should consider and decide upon—

> "Any set-off (including in the case of a landlord any moneys paid on account of the purchase of the right of the tenant under the Ulster tenant-right custom)."

MR. WALPOLE said, the claim could not be made twice over. He also agreed that there was no reason why a tenant from year to year in Ulster who had not tenant-right custom should be in a worse condition under this Bill than a tenant in Connaught. But the point that struck him as requiring some explanation was this—that if the interpretation of the Solicitor General and the Chief Secretary for Ireland were adopted, they were in fact doing away with tenant-right; because it was not left at the option of the landlord or the tenant, but it was left for the tenant alone to say he would claim the Ulster custom, and if he did not establish this right, he would make a claim under Clause 3 of the Bill. They gave the tenant the option of taking this compensation according to Clause 3 or Clause 1, but no such option was given to the landlord.

Mr. GOLDNEY said, he was afraid that the difficulty in regard to the payment of double compensation for the same thing would rise in the case of a son succeeding his father in the tenancy of a farm. The son would be entitled to claim compensation under Clause 3, though his father had been paid for the extinction of his tenant-right custom. As he understood the Ulster custom, it did not affect the outgoing tenant; and he was of opinion that unless this double compensation question was clearly settled it would prevent landlords extinguishing the right, the existence of which would bar any claim to compensation under Section 3 of the Bill.

Mr. C. S. READ said, he thought that if a landlord should buy up the tenant-right and continue the same tenant in the holding, such tenant would, at the end of twenty years, have as good a claim to compensation under Section 3 as if he were not the tenant from whom the right had been purchased. Without discussing the general question of the Ulster custom, he would express satisfaction that the Government had recognized without attempting to extend it. He also thought the Government had acted wisely in providing for the extinction of the custom by mutual agreement between landlord and tenant; but he thought it most unwise and impolitic to have resuscitated it in a much more objectionable form.

The O'DONOGHUE said, that as he understood the Amendment, the effect would be to induce landlords to take advantage of the difficulties of their tenants with a view of buying up their rights.

Mr. HUNT said, that the effect of the Bill in cases where the tenant-right was extinguished would be to place Ulster tenants in a worse position than those in any one of the other Provinces. The Government said that, under Clause 14, when a tenant came before a Judge and claimed a year's rent for disturbance, what he had received from his Ulster tenant-right would be deducted from his claim. The outgoing tenant received a certain sum from the incoming tenant. Then, if the landlord extinguished the tenant-right the tenant received a recoupment of the sum that he had paid to his predecessor. If so, why was he to have that deducted from his claim under Clause 3, whereas there was to be no deduction on a tenant who had paid nothing on coming into his farm?

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, as he understood the objection of hon. Gentlemen opposite to this part of the Bill, it was that, according to their reading, though a landlord might buy the tenant-right, the tenant would still be in a position immediately to claim further compensation under Section 3. It should be considered that the landlord was not obliged to buy, nor the tenant to sell, the tenant-right; and that, under the 3rd clause, the landlord would not be bound to pay compensation unless he disturbed a tenant and proceeded to evict him. If he did not chose to do so the question would not arise; but if, after purchasing the tenant-right, the landlord evicted the tenant twelve months afterwards, and that the tenant applied for compensation under the 3rd clause, then the matter would go before the Judge under the 14th clause; and supposing the Judge was informed that the landlord had a good reason, such as misconduct on the part of the tenant, for the eviction, the tenant's claim, which would be sure to be put at the maximum, would then be cut down to the minimum —a sum probably so small that it would be hardly worth his while to go into court at all. If, however, the landlord bought the tenant-right and did not evict for twenty years afterwards, then the whole matter would likewise go before the court for decision. If the Committee passed the clause with the Amendment of the hon. Member for Suffolk (Mr. Corrance), then the tenant would have no compensation for his waygoing crop at all.

Mr. GATHORNE HARDY said, it had been stated on the other side that the landlord and the tenant were free agents. Assuming that to be the case, what was the bargain which they made? The tenant ceased to be entitled to any payment except for his improvements, on eviction or disturbance. There were no damages for eviction. Whenever the landlord had paid for the tenant-right everything was settled except for improvements. Whether the tenant remained for four years or for ten years made no difference, and if a son succeeded his father he held on the same title as his predecessor.

MR. PELL said, it had been stated by the right hon. Gentleman at the head of the Government that he was acquainted with a case where the Ulster tenant-right had been ground down to one year's purchase. With the Ulster tenant-right established a Court would hold that all that the tenant could receive would be one year's rent, and in this case the Ulster tenant was at a distinct disadvantage. The last thing the landlord would dream of would be to become the purchaser of such a limited right against himself as quoted in this instance. He was of opinion that if some Amendment like the one proposed were not adopted, the result would be that many Ulster tenants would be placed in a worse position than the tenants in the other Provinces.

MR. CORRANCE said, there were probably not ten Members of the House who thoroughly understood the redemption clauses. The Ulster tenant-right was a right against the landlord. It included two things—goodwill and improvements. But looking to the 3rd clause they did not know what it comprised, and that was the reason why he said it ought to have been taken first. In regard to what had been said about appealing to the Judges, he maintained that the Bill ought to be intelligible not only to Judges, but to homely people like tenants and landlords. If not, they would raise excited hopes in Ireland only to disappoint them, which was a more fertile source than any other of unhappiness to Ireland. He should withdraw his Motion if the suggestion of the hon. Member for Sussex (Mr. G. B. Gregory) were adopted; if it were not adopted he should divide the Committee.

MR. M'CARTHY DOWNING wished to refer to the probable effect of Clause 2, which appeared to render such an Amendment unnecessary.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 78; Noes 133: Majority 55.

MR. BRUEN moved the insertion of these words, in line 20—

"When it is proved that a tenant or his predecessor in title holds, or when a tenant shall hereafter take his holding directly from the landlord, without having given any purchase money or other valuable consideration for the same, such holdings shall not be deemed to be subject to the Ulster tenant-right custom."

He would offer one example which illustrated the class of cases at which this Motion was pointed. In 1846 or 1847 an estate, consisting of 3,000 or 4,000 acres of demesne land, was sold, and divided into portions. These were occupied by the purchasers for eighteen or twenty years, at the end of which time the portions, or some of them, were let to tenants without a fine. Surely it was not equitable that these tenants should now be able to claim tenant-right. After the division which had just been taken he would not trouble the House to divide again; but before they reached the stage of the Report, the learned Solicitor General for Ireland, he hoped, would be able to introduce words meeting cases of the description he had mentioned.

Amendment *negatived.*

MR. W. JOHNSTON said, the object of the Motion of which he had given notice was to afford to tenants having the benefit of the Ulster tenant-right custom, or of such abbreviated customs as had been substituted for it, the right if they chose to do so of foregoing all their claims under such custom or customs, and of claiming compensation under the subsequent clauses of the Act. From the Report of Mr. R. Hamilton it was evident that a very limited number of years' rent was all that was allowed to the tenant in many cases; and it certainly would not be fair, under the Bill, to place the Ulster tenants in any worse position than the tenants in any other part of Ireland. The hon. Member, in conclusion, moved in line 21, to leave out from "The," to end of clause, and insert—

"Tenant of a holding subject to the Ulster tenant-right custom shall be entitled, on foregoing all the rights and privileges enjoyed by him under this custom, but not otherwise, to claim compensation under the subsequent provisions of this Act."

MR. MAGUIRE said, that he cordially seconded the Amendment of his hon. Friend. Without it the Bill would be a most imperfect one, and would place tenants in the North of Ireland in a very false position. The right hon. Gentleman at the head of the Government had described very forcibly the operation of that system under which the custom, that at one time was a real protection to the tenant, had been screwed down to a minimum of one year's purchase. He was glad that the hon. Member for Belfast had come forward to show that he did not think it wrong to place those whom he represented under the general provisions of this Bill.

MR. B. SAMUELSON said, he also had given notice of an Amendment on this part of the Bill, and between his Amendment and that of the hon. Member for Belfast (Mr. W. Johnston) there was no substantial difference except that his hon. Friend left the matter entirely in the hands of the tenant, while he (Mr. Samuelson) required the consent of the Court. There should be some power to determine whether the tenant ought to be allowed to forego the custom or not, and he hoped the Government would accept the spirit of the Amendments.

THE O'DONOGHUE supported the Amendments, the effect of which would be, in his opinion, to dissipate the illusion that Ulster was more favoured by the Bill than any other part of Ireland. By the Amendments tenants would be benefited, while landlords would not be injured.

CAPTAIN ARCHDALL remarked, that his hon. Friend the Member for Belfast (Mr. W. Johnston) was ready to blow hot and cold with respect to tenant-right. On Monday he was so much in love with tenant-right that he desired it should be extended to the whole of Ireland, yet on Thursday he wanted to get rid of that custom. His (Captain Archdall's) opinion was that no man in his senses could support tenant-right as it existed in a large part of Ulster, because in some districts it amounted to twenty-five years' purchase or even more, while in others it had been ground down to as little as one year. The hon. Member for Belfast had alluded to Fermanagh, where tenant-right was carried out under certain well-defined restrictions, and he (Captain Archdall) could assert that that county would favourably bear comparison with any other part of Ireland as regarded the relations which existed between landlord and tenant. He would read on that point the testimony of a gentleman who had been accused of having very strong sympathies towards the landlord class, but whose mission in Ireland appeared rather to have been to hunt up all grievances, either imaginary or real, and to make the devil appear blacker than he is. That testimony was as follows:—

> "The classes connected with the soil in this county which have shaped its destiny and given it its social form, have for centuries lived together in goodwill; and, in the relation of landlord and tenant, have treated each other with mutual regard, have considered their respective rights and duties, and have even extended the gracious usages which have been the fruit of this state of things to those once in a thoroughly subject position, and still widely separated in race and religion. Society, accordingly, has grown up under kindlier and more happy auspices than in less fortunate districts; and the great relation of owner and occupier of the soil having been placed on foundations comparatively sound, security and progress have been the consequence."

The writer further states that evictions are seldom heard of, and that the custom of tenant-right, as found in Fermanagh,

> "Establishes really that security of tenure which in Ireland is supposed to be the first condition of agricultural progress and of social well-being and peace."

He adds—

> "It would be, however, shallow to imagine that this custom is the only or the main cause of the comparative prosperity of this county. That prosperity is to be traced, I believe, to the fortunate relations which, during centuries, have existed between landlords and tenants descended from the original colonists, and which have so thoroughly moulded the type of society that they have even protected the aboriginal race, which, though certainly, even to this day, a caste rather distinct, nevertheless enjoys security and justice on the soil extensively occupied by it. Tenant-right, in truth, is merely a visible sign of the general goodwill which knits the landlords and tenants of Fermanagh together, and which is the real cause of the welfare of this district."

He was inclined to agree with the correspondent of *The Times*, that tenant-right was the visible sign and not the cause of prosperity. The Amendment proposed by the hon. Member for Belfast would, in his opinion, be most mischievous, and would tend to undermine the good feeling which now existed between landlords and tenants, and he therefore trusted the Government would not accede to it. On his estate tenant-right was regulated, and varied from two to six years' purchase, with a sufficient allowance for improvements; it was occupied almost exclusively by yearly tenants at rents rather under the Government valuation. If the tenant's liberty were extended, the natural result would be that the estate would be let at rents about 25 per cent above that valuation.

MR. CHICHESTER FORTESCUE said, he could not attempt to settle the question between his hon. Friends, but would state what was the view of the Government with regard to these Amendments, which had received very careful consideration. The Government thought those Amendments were, in substance, just and well-founded; because they had convinced themselves that they follow naturally from the true principles on which the Bill was founded, and that their rejection by them would be inconsistent with those principles. Of the two forms of Amendment they certainly preferred that of the hon. Member for Banbury (Mr. B. Samuelson); but there was another form of words which the Government thought would carry out the same view, and could not be objected to by either of the hon. Members who had given Notices of Amendment. The reasons which had led the Government to accept the Amendments were shortly these—The Bill proceeded upon the assumption that it was the Irish tenants from year to year who required the protection of the law, either in the shape of a sufficient just and reasonable custom legalized and enforced by law, or in the form of a statutory compensation and protection as provided in the Bill. They had already in the case of Ulster made provision for those extreme cases in which the tenants were entirely devoid of any protection in the shape of custom. They provided that in cases where that custom had been extinguished — there being already such cases in Ulster, for instance, on the property of a nobleman in Donegal — the tenant should have the general statutory protection of the Bill; but they had not provided for cases that did not amount altogether to extinction, but came next door to it. Where the custom had been extinguished they gave the tenant the statutory protection; but where it might have been reduced to a mere nugatory form, and cut down to even one or two years' purchase, or £1 or £2 per acre, they left the tenant to the illusory protection of the custom, when in a degraded form, not worthy of the name of Ulster tenant-right; and did not afford him the statutory protection of the Bill. They believed that that state of things was not capable of being maintained in argument or in equity, and acting upon the principles laid down in the Bill, they thought the Amendment proposed was consistent with those principles. They believed it was necessary to carry out the object which he believed both sides of the House had in view. The Government could not agree to the Amendment of the hon. Member for Belfast (Mr. W. Johnston) without the introduction of the words which were contained in the Amendment of the hon. Member for Banbury (Mr. B. Samuelson). They considered it would be proper for the Court to decide whether there was a *bonâ fide* custom which ought to be enforced, or whether it was merely that illusory one to which he had referred, which rendered it no longer a reasonable protection to the interest of the tenant, on the ground either of improvements or disturbance in his occupation. If the Court should find that the custom had been reduced to such a "degraded condition," as it had been well termed, the tenant might be permitted to claim either under the general provisions of the Bill or (with the permission of the Court) under the other section, in order to obtain what the Court thought reasonable and just. With that view, the Government proposed to substitute the following words for the Amendment, of which notice had been given:—

> "In the case of holdings proved to be subject to the Ulster tenant-right custom, the tenant shall not be entitled to any compensation under the other provisions of this Act; provided that a tenant in Ulster not claiming under the Ulster tenant-right custom shall not be barred from claiming with the consent of the Court under the other sections of this Act."

MR. M'CLURE said, he heartily approved of the spirit of the Amendment as proposed by the right hon. Gentleman the Chief Secretary. He believed that the effect would prove satisfactory to both landlord and tenant; that where there were likely to arise difference of opinion as to the nature and extent of precise usage, tenants would prefer to come under the general provisions of the Act, and thus be saved from what might prove an unpleasant and irritating controversy with their landlords. There was one portion of the clause which he did not like, that which required the interposition of the Court to direct in what manner the tenant's claim should be put forward. He did not think that the House should relegate to the Court the power of debarring a tenant, merely on account of his residence within the precincts of Ulster, from the privileges and protection accorded to the tenants in all the other Provinces of Ireland; nor did he think it would be fair to the landlord that the question of usage should be gone into in Court, and that when probably insufficient proof had been adduced, that the Court should then give permission to the tenant to fall back upon the other provisions. It would be better if the tenant and landlord could agree; but, failing this, he would let the tenant, before giving notice of claim, elect his position, and stand or fall by it.

Mr. CHICHESTER FORTESCUE said, the Government had taken care in the form of words used to insure that the tenant should not be at liberty to make a claim under the Ulster custom, and then, finding that likely to prove disadvantageous to him, to withdraw and make a new claim under the provisions of the Act.

Lord JOHN MANNERS said, he thought the Committee should look a little to what the Government proposed in their Amendment. As he understood the matter, it would leave the Judges to decide what was a fair claim under the Ulster custom. It was wise to abstain from defining tenant-right; but an extraordinary proposal to leave the matter to the discretion of the Judges.

Sir JOHN GRAY said, he approved of the original Amendment of the hon. Member for Belfast. As he understood the Amendment of the Chief Secretary for Ireland a tenant would not have the power of electing under what he should claim, and would require the sanction of the Court on that subject. He contended that a tenant should be left free to determine what course he should adopt.

Dr. BALL rose merely to suggest that, in the event of the Government Amendment being adopted, it would only be fair to add to it the provision suggested by the hon. Member for Dublin City (Mr. Pim)—namely—

> "If he shall so elect to claim compensation under the subsequent clauses of this Act, he shall not, nor shall any subsequent tenant of the same holding, be entitled again to claim the benefits of the Ulster tenant-right custom."

If this provision were not adopted, a landlord, after having compensated the outgoing tenant under the other clauses of the Act, might find that he was liable to compensate his new tenant under the Ulster tenant-right custom, which would be manifestly unfair to him.

Mr. PIM said, every man should be allowed to consider his own case, and the object of his Amendment was that if a tenant decided on abandoning the tenant-right custom, and of claiming under the Disturbance Clauses, he should not be able to revert back to the former. As the clause was proposed to be amended by the Government, if there were fifty tenants on an estate each might separately elect whether he would go before the Court or claim under the Ulster tenant-right custom, and he might afterwards change his mind and claim the benefit of the tenant-right, and thus there would be no end to the litigation it would give rise to.

Mr. GOLDNEY said, that so many Amendments had been proposed, that he doubted whether the Committee knew exactly what they were discussing.

Mr. GLADSTONE said, he thought the Committee perfectly understood the object of his right hon. Friend the Chief Secretary for Ireland. The proposition on the part of the hon. Gentleman behind him was that, subject to the sanction of the Court, a tenant should have the option of claiming damages under the Eviction Clause. They quite agreed that he must not claim both in respect of the Ulster custom and for eviction. If he claimed under the one, he must not fall back on the other. The right hon. Gentleman said that when once a claim under the custom of Ulster had been paid, tenant-right should not revive under that custom. He (Mr. Gladstone) thought that was fair. People might agree by special covenant to frame something that should substantially correspond with the Ulster custom. There was nothing in the Bill to prevent them from doing that; but it would not be the Ulster tenant-right custom. He thought the words proposed by his right hon. Friend would effect what he (Mr. Gladstone) had stated.

Sir FREDERICK W. HEYGATE said, it was absolutely necessary, for the proper management of an estate, that a landlord should know under what his tenants might claim compensation. If one tenant was to be allowed to claim under Clause 3, and another tenant under Clause 5, the landlord would not know what he was to do.

MR. ASSHETON CROSS observed, that this was a matter which concerned English as well as Irish proprietors. As he understood it, the Government proposed to legalize the Ulster custom on the ground that it was practically part of the implied contract between landlord and tenant in Ulster, and that, therefore, it ought to be legalized like the customs in this country; but if a contract were not an agreement between two parties it was no contract at all. He asked the Solicitor General for Ireland whether the Amendment proposed by the Chief Secretary for Ireland would not give one of the parties power to terminate the contract without the consent of the other?

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, the Government were of opinion that the Amendment suggested by the Chief Secretary was more likely to carry out the object they had in view. They therefore proposed the insertion of the following words:—

> "The tenant of a holding subject to the Ulster tenant-right custom, and who claims the benefit of it, shall not be entitled to obtain compensation under any other section of the Act; but a tenant not so claiming shall not be barred from making a claim for compensation by the consent of the Court, under the other sections of the Act, and when such compensation has been made such holding shall not be again subject to the Ulster tenant-right custom."

He thought that the Amendment, though conferring an advantage on the tenant, was fair to the landlord. The hon. and learned Member for South-west Lancashire (Mr. Cross) said that it would confer an advantage on the tenant which it would not confer on the landlord in giving the tenant the option of putting forward his claim either under the Ulster custom or under the other provisions of the Act; but the object of this Bill was to confer an advantage on the tenant. If such words as those proposed by his right hon. Friend were not introduced, cases might arise in which the tenant would not get such compensation as the Legislature intended. For instance, there was an estate in the eastern portion of Ulster on which the tenant-right was only equal to one year's rent. Many people had paid the one year's rent to the outgoing tenant on going into possession; and he was afraid that the rule of the estate had been in existence for so long a time, and had been acted upon so invariably, that the Judge, in applying the principles of this Bill, would be obliged to hold that it was a custom. But many of the tenants who had taken their farms on those terms had improved them by erecting substantial buildings and draining the land; but yet under the custom they would only be able to obtain a year's rent as compensation for their outlay, because there could be no doubt that the tenant-right of Ulster included improvements as well as goodwill. When he first saw this blot in the Bill he mentioned it to several persons, and he was told that there must be some instances of individual hardship in the application of a law. But he was not satisfied with that, and the result had been this Amendment, which was now proposed by the Government. The tenant of a holding who claimed the benefit of the tenant-right custom would receive no compensation under any other section of the Act—he would stand or fall by the custom; but an option was given to him not to claim under the custom, and there was a provision that in that case he should not be barred from claiming under any other section of the Act. Of course, the tenant would not take advantage of that provision unless he found it to be to his advantage to do so; but when he did make such a claim, and it was allowed, his holding from thenceforward would cease to be subject to the Ulster tenant-right custom. There had been some objection expressed against this provision on the ground that the tenant would go into court with two claims, and that he would first try the tenant-right to see if it suited him, and then, if it did not suit him, he would fall back on the other provision. But that was not the meaning of the Amendment at all. The tenant would be bound to say under which provision he claimed the moment he entered the court, and it was not likely that the Court would do anything unfair or wrong between the parties. He ventured to say that the difficulty of a landlord not knowing how he stood with his tenants was one that never would be experienced by such landlords as the hon. Member for the county of Londonderry (Sir Frederick Heygate).

COLONEL WILSON-PATTEN, as an English Member who asked for information, wished to know whether it was really the case that tenant-right excluded compensation for improvements?

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE): No; it includes it.

SIR FREDERICK W. HEYGATE wished to know whether the owner of the estate which had been referred to, and on which the tenant-right only amounted to one year's rent, made all the substantial improvements himself? He knew a case in which the landlord only allowed three years' tenant-right; but in that case the landlord put up all the substantial buildings and drained the land himself; doing, in fact, almost all that an English landlord would do.

MR. C. S. READ wished to understand the Amendment thoroughly. The hon. and learned Gentleman had told them that, by that Amendment, the tenant could claim either under the custom or under any other section of the Act. But if he wanted to claim under Section 3, he would have no right to claim unless he was disturbed by his landlord or evicted.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, there would be no difficulty about that. If the tenant claimed under the other clauses he would claim as if he had never had the Ulster tenant-right at all.

MR. HENLEY said, the option was to be given to the Ulster tenants, in order that they should not be put in a worse position than the other tenants of Ireland; but he would like to know what the feelings of the other tenants of Ireland would be, if they were not allowed to have the option also? The other tenantry of Ireland would look at the higher value given to a holding in Ulster by the custom of tenant-right, and they would ask why they should not have the option of claiming under the custom. What was justice for one should be justice for the other.

MR. GLADSTONE presumed that the right hon. Gentleman's observations did not refer to the tenants generally over the rest of Ireland; but if the right hon. Gentleman really asked why the tenants generally over the rest of Ireland were not to have the benefit of the Ulster custom, the answer was because they had never paid the sums of money, nor inherited or acquired the interest on which the recognition of the Ulster custom was founded. If the right hon. Gentleman meant to say there might be tenants in other parts of Ireland who were in this position — that they had paid money for and acquired or inherited an interest analogous to that of the Ulster tenant-right — the Government proposed to insert words in the 2nd clause which would provide for that case. He knew there was a feeling that cases of that kind really existed in other parts of Ireland, although he had seen no direct proof of them. But if there was such a thing as a custom strictly analogous to that of Ulster in other parts of Ireland — about which he confessed he was somewhat sceptical—it would be recognized by the Bill in precisely the same manner.

MR. W. JOHNSTON said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

MR. CORRANCE said, he thought the proposals of the Government would open an unexampled field for the lawyers.

MR. W. FOWLER said, he did not see why those persons should have to go to the Court. If they were to have an option, it ought to be a free one. With a view to avoid an enormous amount of litigation, that question should be reconsidered.

MR. ASSHETON CROSS said, this was a serious matter for England as well as for Ireland. They established by the 1st clause what was the custom of the country in Ulster, and legalized it; and now they were about to say that one of the parties to it, without the consent of the other, might break through it. He wished to know on what principle that was done, and why a tenant in England was to be debarred from the freedom granted to the Irish tenant of breaking through a custom?

MR. GLADSTONE denied that they were about to give the Ulster tenant the right to break the Ulster custom. It was not a question of the tenant breaking the custom, but of his waiving the benefit of it. The custom was an obligation on the landlord in favour of the tenant, and all that was sought to be done was to give the tenant a right to waive the advantage of it in consideration of another privilege which Parliament declared the people of Ireland generally to be entitled to. It was a case of the relinquishment by the tenant of something which he was entitled to get from his landlord.

Mr. GATHORNE HARDY said, the statements of the right hon. Gentleman and those of the Solicitor General for Ireland were totally contradictory. The hon. and learned Gentleman said the interest of the Ulster tenant was sometimes cut down by the landlord as low as one year's tenant-right, and yet he would give the tenants the power of upsetting the covenants into which they had entered as free agents with their landlords; whereas the Prime Minister said the covenant of the Ulster custom was always in favour of the tenant, who would be giving up an advantage. That was the first time the House of Commons had been called upon to sanction such a proceeding. The right hon. Gentleman and the hon. and learned Gentleman would have to settle the matter between them.

Mr. GLADSTONE protested against the horrible doctrine imputed to the Government by the right hon. Gentleman opposite. Everything he had said was entirely consistent with what had been said by the Solicitor General for Ireland. The covenant of Ulster tenant-right was unquestionably a covenant in favour of the tenant. It was perfectly clear that Parliament might think fit to give to the whole population of Ireland something still more in favour of the tenant in different circumstances, and so it did on that occasion. He contended that if Parliament gave the population of the rest of Ireland something more in favour of the tenant than the particular covenant of Ulster tenant-right upon which he subsisted, the tenant ought not to be deprived of that excess of advantage. But the Ulster custom of tenant-right, whether it was of one, five, or ten years' value, was entirely in favour of the tenant.

Mr. PELL said, it must now be admitted that the Government had come to a breakdown in the 1st clause of their Bill. The Ulster tenants, a short time ago, were looked upon as people under exceptionally favourable circumstances, and it was said to be the duty of Parliament to protect them, and to crystallize their tenant-right. But it was now shown that the Ulster tenants, under certain circumstances, were far worse off than the tenants who were open to a free contract with their landlords in other parts of Ireland.

Mr. B. SAMUELSON said, he thought the doctrine of implied contracts and free agency had been pushed a little too far by hon. Gentlemen opposite. The tenant-right might in its origin have been very protective of the tenant, and yet have been afterwards degraded by slow degrees by the act of the landlord till it was of very little value, and yet the tenant was obliged to accept it or nothing. With regard to the question before the Committee, he gladly accepted the words proposed by the Government, which would answer all the objects he had in view. But it was desirable that private Members proposing Amendments should have an opportunity of comparing them with the Government Amendments in print, to see whether they were equivalent to their own.

Mr. J. S. HARDY complained that the Committee could not rely on the statements of the Government being for any length of time consistent with each other. The other night the Prime Minister said that any landlord under the Ulster custom, by acknowledging the tenant's right to sell his interest to another tenant, would be free from any claim for compensation whatever; but now the Solicitor General for Ireland told them a different story.

Amendment (*Mr. Chichester Fortescue*) *agreed to.*

Mr. M'LAGAN said, the object of the Amendment which stood in his name was to enable the landlord and tenant, if they thought proper, to extinguish tenant-right by means of a lease. After the discussion of to-night he held that the sooner the landlords and tenants of Ulster adopted the leasing system the better. He objected to the Ulster tenant-right, in the first place, because it was prejudicial to the interests of the landlord, inasmuch as it prevented him from reaping the full benefit of his property. For though under the system a landlord had a perfect right to raise the rent as he thought proper, yet he could not do anything that would make him more unpopular throughout the district than to raise it. But he also objected to the system on the ground that it was prejudicial to the interest of the tenant; because, in the first place, it put him entirely in the power of the landlord, for it was well known that, according to Ulster tenant-right, the landlord could raise his rent when he thought proper. Besides, it caused the greater part of the tenant's capital to be bound up for years without an adequate return, and it withdrew that capital from the due cultivation of the soil. So grave were these two objections in the interest of the tenant, that were there no other he should be inclined to place his Amendment before the Committee. It might be asked why, if there were such objections to the system, was the land better farmed and higher rented in Ulster than in other parts of Ireland; or, as had been said by the hon. Member for Galway (Mr. Gregory), why was it that a traveller, passing from Ulster to an adjoining district, left all the good farming behind? One reason was that the system gave a security to the tenant which he would not possess if he had no lease and no other tenant-right; and the second reason was that the Ulster tenant was indebted to the manufacturing industry of the Province for the capital with which he purchased his tenant-right, and which he laid out on the cultivation of his farm. It was well known that in every farm household in Ulster there were handlooms at work which added to the income of the family, and the effect of superseding handlooms by power-looms would be a greater consolidation of farms in Ulster than had been brought about in other parts of Ireland by the famine years of 1847 and 1848. What he wished to substitute for the Ulster tenant-right was a system of leases. In favour of leases he had no need to say anything, except to call to the remembrance of the Committee the speech of the Prime Minister when introducing the Bill. On that occasion the right hon. Gentleman made a comparison between the increased rental of land in Ireland, in Scotland, and in England, and showed there was a much greater increase in Scotland, where leases prevailed, than in the other parts of the Empire. The right hon. Gentleman mentioned that in 1770 the rental of Scotland was £1,200,000, while in 1869 it was £7,200,000. Now, he would go 100 years further back, in order to show the facts in a still stronger light. In 1674 the whole of the lands of Scotland were valued at £319,000; nearly 100 years later, or in 1770, the valuation had increased to £1,200,000. About that time the system of leases commenced in Scotland; the more intelligent proprietors having travelled into England, borrowed the best system they could find, and leases for thirty-one years were introduced, or what were called improving leases for twice nineteen, or thirty-eight years. Well, from 1770 to 1869 the rental had increased to £7,200,000, so that it had sextupled within the last 100 years, whereas it had only quadrupled in the 100 years before. But more than that, in the valuation of 1770 the rental of the boroughs was included; but in the last valuation the whole of the borough rental, amounting to £4,000,000, was excluded. He would now explain the operation of the Amendment he was about to propose. It was not compulsory, but purely permissive. If a landlord and tenant wished to extinguish the Ulster tenant-right, the landlord might say not, as in a previous sub-division of the section, that he would give a fixed sum to the tenant, but that he would give an annuity for thirty-one years or more. For instance, a landlord wishing to extinguish the tenant-right would get the farm valued, and finding it let at 5*s.* an acre less than it was worth would say to the tenant—"You may have a lease for thirty-one years at 5*s.* an acre below the value, provided that at the end of the term the right be extinguished." The effect of that would simply be to substitute an annuity for a set sum. He felt convinced that if they were to establish a system of leases in Ulster, it would be better not only for the landlord, but for the tenant and the nation at large. The hon. Member concluded by moving his Amendment.

Amendment proposed,

At the end of the Clause, to add the words "any holding in Ulster under a lease made after the passing of this Act, and granted for a term certain of not less than thirty-one years, shall thenceforth cease to be subject to the Ulster tenant-right custom."—(*Mr. M'Lagan.*)

MR. CHICHESTER FORTESCUE said, he was not quite certain whether he understood the meaning of the Amendment. If the hon. Gentleman meant one thing, he objected to it as inconsistent with the custom; if another, he objected to it as unnecessary, and already provided for. If the hon. Gentleman meant that the mere acceptance of a thirty-one years' lease was to bar all claim to the tenant-right, he objected to it, because it was notorious—there was complete evidence of it in the Report of the Poor Law Inspectors—that it was very common that a thirty-one years' lease should run along with the custom and not extinguish it. Therefore, the Government could not admit the mere fact of the acceptance of a thirty-one years' lease should be a bar to all claims of tenant-right. On the other hand, if the hon. Gentleman meant that a thirty-one years' lease might contain a clause barring the custom, it was quite unnecessary. He admitted that the offer of a good thirty-one years' lease might be as good a mode of inducing a tenant to waive his right, as a sum of money paid down, or even a better mode. But that could be done already. If the Court should find that any holding had been discharged from the custom in any way, that would be quite sufficient. He hoped, therefore, the hon. Gentleman would not press the Amendment.

MR. PIM rose to express a hope that the Government would accept the Amendment, because he wished that the same limitations should apply to every part of Ireland, and if there could not be perfect identity of legislation, at least let there be as near a parity as possible. He could not see that a thirty-one years' lease being made to bar the custom could do any harm. There was no necessity, unless the landlord and tenant wished it, that the lease should be so long. A thirty years' lease was much the same as a thirty-one years' lease, and a lease for thirty years would not bar the custom; and therefore a lease for this, or for a shorter term, might be used, when such a change was not intended. He did not agree with his hon. Friend (Mr. M'Lagan) in reprobating the Ulster tenant-right custom; and therefore he did not support the Amendment with a view to getting rid of it, but in order to procure similarity in legislation, and to afford the most convenient mode of doing away with the custom, when landlord and tenant were both desirous of effecting this object. There were cases in which the operation of the Amendment would be beneficial; and he was, therefore, sorry that the Government were not willing to accede to the proposition before the Committee.

MR. C. S. READ said, that though he understood from the right hon. Gentleman the Chief Secretary for Ireland that this Amendment was not necessary, he hoped the House would pass it, as he should like to have something in the Bill that a plain man like himself could understand. He wanted to see a good farming covenant independent of any sympathy for the Irish tenant, or any remarkable deviation from common farm practices. The hon. Member who had moved the Amendment did not wish that it should be compulsory; but that landlords and tenants should be at liberty, if they chose to agree, that after the lapse of thirty-one years the right conferred by the Ulster custom should be extinguished as far as they were individually concerned. [Mr. GLADSTONE: They have that power.] If that were so, what harm could there be in passing this Amendment? If at the end of thirty-one years, which would have landed them in the 20th century of the Christian era, landlords and tenants were not to be left free to contract in regard to the letting and renting of land, there would not be much hope for the regeneration of Ireland.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 140; Noes 176: Majority 36.

MR. CHARLEY said, that the Prime Minister, in the course of the debate on the Amendment proposed by the right hon. Gentleman the Member for Newcastle (Mr. Headlam), had pointed out that the discussion of the principle of the Ulster tenant-right had better be taken when this clause came to be discussed in its entirety. In order to raise that discussion, he should move the omission of the clause. He regretted that the Motion had not fallen into the hands of some hon. Member more popular on the other side of the House than himself; but he trusted its merits would not be prejudiced by the demerits of the Mover. Glowing descriptions had been given of the advantages accruing to both landlord and tenant from the Ulster tenant-right, and the House had been informed in particular that it had established the most friendly relations between landlord and tenant. Now he, as an Ulster man, fully concurred in those views, and it was in order that that friendly relationship might be preserved that he moved the omission of the clause. It was because the Ulster tenant-right rested on honourable obligation and kindly feeling between landlord and tenant, and because it could not be enforced except by public opinion—which, after all, was perhaps the best of all sanctions—that the custom had produced such excellent results. Enforce it in the courts, and there would be substituted for mutual confidence mutual distrust, and, he feared, mutual estrangement and suspicion. He was in favour of extending the benefits of the 3rd and 4th clauses to all parts of Ireland, and hoped the House would not sanction a distinction between Ulster and the other Provinces. Indeed, such a distinction would be all the more pernicious now that the Ulster tenant was to have the option of selecting compensation, either under the 1st or the subsequent clauses. He fully agreed with what fell from the right hon. Member for Oxfordshire (Mr. Henley) that the result of drawing such a distinction would be an agrarian agitation in the other Provinces for equal rights with Ulster. Parliament had no right to extinguish the Ulster right, and, indeed, any attempt in that direction would lead to a social revolution. Lord Derby's agent, Mr. Hancock, stated, before the Devon Commission, that the landlords were compelled to recognize the Ulster tenant-right, and that, in fact, it was one of the most sacred rights of the country, and he added his opinion that if a systematic attempt were made to invade it, all the force at the disposal of the Horse Guards would not be sufficient to maintain peace and order in the country. It would be very cruel kindness to the tenant to enable him to enforce the custom. Take a case. An incoming tenant had to supplement his capital by borrowing money, merely to purchase the right of standing in the shoes of the outgoing tenant. All he could do would be to keep down the interest of the debt he had contracted and pay his rent. Finally he would be obliged to sell his tenant-right when pressed for re-payment of the money. Again, when a son succeeded his father he usually found the tenant-right burdened with charges in respect of the portions of other members of the family, and in order to pay those portions he would be obliged to sell or to adopt the alternative of subdividing the land among all the members of the family, in satisfaction of their several claims, thus perpetuating one of the worst characteristics of the system of land tenure in Ireland. According to the author of the Digest of the Evidence before the Devon Commission the origin of the Ulster tenant-right was the inability of the tenant to compel the landlord to give him compensation for permanent improvements. The Legislature ought, therefore, to give compensation in respect of permanent improvements, and that was provided for under Clause 4 of the Bill. This measure would press very hard on the Ulster landlords, especially on the more indulgent ones, who would have to pay more for the tenant-right on their estates than the landlord who had kept the tenant-right down to the lowest possible figure. The more indulgent, in short, they had been, the larger the compensation they would have to pay. In his opinion, whatever a landlord paid in order to buy up the Ulster tenant-right ought to cover all subsequent compensation in respect of evictions. His hon. Friend the Member for Belfast (Mr. W. Johnston) had defined Ulster tenant-right as a right to continued occupation so long as the rent was paid, which made it tantamount to fixity of tenure. This clause proposed to do that to which the Prime Minister had objected—namely, to convert the landlords into rentchargers on their own estates. It placed the Ulster tenant-right on the same footing as a fee-farm grant—an estate in fee subject to a rent in fee—the modern equivalent of the Roman *emphyteusis*—a result which was deprecated by the Devon Commission. He denied that the Bill would assimilate the Irish to the English law, for the Ulster tenant-right was not analogous to the English custom, which must be certain, uniform, and ancient. And what the Bill proposed to legalize was not the custom of the country, but the custom of the estate. A custom to pay forty-two years' purchase, and a custom to pay two years' purchase for tenant-right were not the same custom, but totally distinct customs. He appealed to all who wished to see a good system of husbandry practised in Ireland, and did not desire a bad precedent set for England and Scotland, to vote with him against the clause.

Mr. H. A. HERBERT said, that the notion some persons in the South of Ireland entertained of a good landlord, was that of a man who turned out nobody, and allowed the tenants to remain in the state they were in at the time of the famine; but he thought such a landlord a bad one, and that the truly good landlord was the man who tried to raise his tenants out of "the slough of despond" in which too many of them grovelled. He thought that the extension of the Ulster tenant-right would operate unfairly to those landlords who had provided all, or best part of, the money for improvements. The discussion on this clause reminded him of an explanation given by Sir James O'Connell of the way he had managed to make his estate pay, and that was by minding his business. This example he commended to the landlords of Ireland.

Colonel BARTTELOT appealed to the hon. and learned Member (Mr. Charley) not to press his Motion to a division, because it would place the Ulster Members in a very false position. The great object of the clause was to protect Ulster tenant-right, and his objection to it was that it had been very much altered since they had been in Committee. As it now stood, the tenant could insist upon his right and claim compensation under Clause 3; whilst the landlord remained in the same position as he originally was. This was unfair; nevertheless, he would not like to oppose the clause even in its present form.

Mr. CHARLEY deferred to the hon. and gallant Colonel's opinion.

Clause *agreed to*, and *ordered* to stand part of the Bill.

Clause 2 (Legality of tenant-right custom other than Ulster custom).

Mr. GLADSTONE said, he rose to move an Amendment that would take precedence to any part of this clause, and which he thought would be agreeable to the general feeling of the Committee. Without going into the question whether there was or was not Ulster tenant-right outside of Ulster, he proposed to provide for it, if it existed, by the following Amendment:—

"If, in the case of any holding not situate within the Province of Ulster, it shall appear that an usage prevails which in all essential particulars corresponds with the Ulster tenant-right custom, it shall in like manner, and subject to the like conditions, be deemed legal, and shall be enforced in manner provided by this Act."

Supposing this Amendment were agreed to, it would then be for the Committee to consider what course they would take, or whether they would take any specific course at all with regard to customs of less authority which may prevail among the people, though without the traditions or the assent of the landlords, that prevails in what is called the Ulster tenant-right custom. He owned he was not sure whether it would not be better, considering the long discussions the clause would otherwise occasion—whether it would not be better to proceed without any further enactments in the 2nd clause, and to provide for those other customs by an enlargement of the 6th clause. If it were so enlarged, it might be possible to omit the 2nd clause. However, he would for the present move to substitute his Amendment for the first part of the clause.

Amendment proposed,

At the commencement of the Clause, to insert the words "If, in the case of any holding not situate within the Province of Ulster, it shall appear that an usage prevails which in all essential particulars corresponds with the Ulster tenant right custom, it shall in like manner, and subject to the like conditions, be deemed legal, and shall be enforced in manner provided by this Act."—(*Mr. Gladstone.*)

Question proposed, "That those words be there inserted."

Mr. WALPOLE, premising that none of those around him had seen the Amendment, expressed a fear that it would lead to much litigation if adopted. The Amendment referred to a usage "similar" to the tenant-right custom of Ulster in other parts of Ireland, and not only so, but resembling the Ulster custom "in all essential particulars." Now, first, the word "usage" should be altered to usages; but then came the question, what usages? In Ulster the tenant on going out charged for the goodwill, and the landlord had power to agree to the rent the incoming tenant should pay. Were these the essential parts of the Ulster custom by which all other customs in other parts of Ireland should be measured? He thought his right hon. Friend would find that without a more guarded wording of the clause it would lead to needless litigation, and the Court would not have power to determine that question.

Mr. COGAN said, as one who had a strong objection to the manner in which it was proposed to deal with Ulster, as compared with other parts of Ireland, he begged to express his satisfaction with the course which the Government had now taken. It would remove much of the unpopularity attaching to this Bill, and dissipate much of that misconception which the Bill, as it stood, had not unnaturally produced. He believed there would be general satisfaction throughout Ireland that all parts of the country were equally dealt with as regarded customs.

Sir JOHN GRAY also expressed his thanks to the Government for the course they had taken with regard to this clause. It removed the great objections he had felt with respect to the portion of the Bill which legislated for Ulster differently, and in some respects unfairly, as compared with the other parts of Ireland. As regarded the observations of the right hon. Member for the University of Cambridge (Mr. Walpole), he could not see any difficulty in the clause, as proposed to be amended, or that it would lead to anything like the same amount of litigation as it would if left unaltered.

Colonel STUART KNOX said, this Amendment had been suddenly proposed by the Government without notice, and it appeared that the landlord was to have no option in the matter. He thought the Committee ought to see the Amendment on paper so as to be able to judge of it, and he moved the postponement of the Amendment until it was printed.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he thought that the right hon. Member for the University of Cambridge (Mr. Walpole) would not, on reflection, find this clause inconsistent with the wording of the 1st clause. The 1st clause spoke of those usages which were all embraced under the general name of the Ulster tenant-right custom, and this clause spoke of any usage in all Ireland that was identical with any of those included in the Ulster custom. But though there were numbers of usages in Ulster, there could be but one usage in connection with any one holding; and the Amendment proposed that if, in any holding outside of Ulster, there was a usage corresponding substantially with the Ulster tenant-right custom, the holding subject to such usage should be treated as though it were in Ulster.

Mr. SYNAN said, he had placed on the Paper an Amendment upon this subject; but substantially the proposal of the Government met his views, though, instead of saying that the usage "must in all essential particulars correspond with" the Ulster custom, he should have preferred the words, "analogous to the usage in Ulster comprehended and included in the Ulster custom." The proposal of the Government might lead to ambiguity. Out of Ulster there were customs which might not come within the definition they proposed, and he hoped these cases would be compensated and provided for.

Mr. HUNT said, they were somewhat at a disadvantage from not having the Amendment of the Government on the Paper. He asked what the exact proposal of the Government was? It looked like a new clause.

Mr. GLADSTONE said, he had read the words of the Amendment consecutively; but the formal Motion would be to strike out the words "where in any place" for the purpose of inserting "If in the case of any holding." Then would follow the words "not situate within the Province of Ulster," and the remainder of the Amendment. Afterwards it was for the Committee to consider whether, with respect to other customs of inferior authority, special provision should be made. The object of the Government had been to separate the consideration of the Ulster custom from that of other customs, and the Amendment was in the interest of the landlord, because the Government did not feel justified in enforcing against the landlord out of Ulster any custom which was more lax than the Ulster custom. Instead, therefore, of using the word "analogous" or "resembling" the Ulster custom, thereby creating laxity in interpreting the Act and bringing in a variety of usages, the Government thought it right to require that there should be a real, substantial identity with the Ulster custom. It would be for the Committee to say whether the words employed were the best fitted to attain this object; but the intention was that it should be really and substantially an Ulster custom, and not merely a local usage in some points corresponding with the Ulster custom. Those inferior customs that were not Ulster customs should be provided for in the 6th clause.

MR. HUNT said, the right hon. Gentleman had not answered his question—what was the exact proposition of the Government? Did they propose that, after inserting the words of the Amendment, the remainder of the clause should stand?

MR. GLADSTONE said, it was often the case that with regard to particular portions of particular measures the Government were ready to take either one course or the other, according to what appeared to be the wish of the Committee, and that was the view of the Government with regard to the treatment of these minor customs.

MR. HUNT pointed out that if the Amendment were adopted and the remainder of the clause retained, it would be perfect nonsense. It would read thus—

> "If, in the case of any holding not situate within the Province of Ulster, it shall appear that an usage prevails which, in all essential particulars, corresponds with the Ulster tenant-right custom, it shall, in like manner, and subject to like conditions, be deemed legal, and shall be enforced in the manner provided by this Act;" then the clause would go on, "A tenant is disturbed in his holding by the act of his landlord."

He again asked—was this virtually a new clause, or an addition to the clause in the Bill? What the Committee wanted to know was what was the plan of the Government upon the subject. They were at a considerable disadvantage, because this was an important clause, and, without any notice, the right hon. Gentleman had moved an important Amendment. His own impression was they were virtually dealing with a new clause, which the right hon. Gentleman did not acknowledge to be such; and the usual course in such a case was to postpone the consideration of the matter until the new clause had been printed. At all events, they ought to be informed what were the consequential Amendments.

MR. GLADSTONE said, he thought he was consulting the convenience of the Committee when he submitted an Amendment which was grammatical and intelligible, and he did not think it necessary to supply at the tail end of the Amendment certain words which he had before him, and which were necessary to make it fit in with the rest of the clause in case the Committee should be of opinion that the kind of recognition proposed in the rest of the clause of these customs was desirable. He must say, in answer to the right hon. Gentleman (Mr. Hunt), that during the discussion upon the Amendment of the hon. Member for Banbury (Mr. B. Samuelson) to the 1st clause, he urged most strongly that the 1st clause should be confined exclusively to Ulster; and that, when the Committee came to the 2nd clause, then would be the time to consider of the insertion of words, if necessary, for the purpose of legalizing any custom essentially like the Ulster custom in parts of Ireland other than Ulster. The insertion of the words he proposed would not entail changes in the rest of the clause, which had reference to customs of a different order, and which might, so far as discussion was concerned, be retained as they stood; but upon their retention the Government were willing to follow the general view of the Committee.

MR. GATHORNE HARDY said, they wanted to know what the policy of the Government was. Were there such usages as were referred to, or were there not? The Government had been making inquiries, and they had brought in a clause on the subject. In the course of the evening the right hon. Gentleman gave notice that he would propose on the 2nd clause to make some allusions to customs analogous to the Ulster custom, and now he had put in a new clause with respect to customs which he said corresponded with the Ulster tenant-right, and, at the same time, he informed the Committee that, in his belief, there were no such customs. He asked the Committee to decide whether the rest of the clause should be retained when they were ignorant whether there were such usages as the Government discovered when they framed their 2nd clause. Was it reasonable the Committee should be left in such a state of uncertainty? What the Government proposed had reference to something which they believed did not exist at all, and the Committee were to be left to decide the question without information.

MR. GLADSTONE said, the Government had taken not only the course open to them, but the course it was their duty to take, as the right hon. Gentleman knew from experience, having himself found it conducive to the progress of Public Business to consult the opinion of the Committee upon somewhat nice points. He thought he had proposed the best method of proceeding, as it was desirable to finish this matter of the Ulster custom while they were about it; but if there was any difficulty in point of form, he would introduce the words in the shape of a separate clause. The Government had no doubt whatever of the existence of the class of customs to which the 2nd clause referred; and the only question was, whether they ought to receive that kind of qualified recognition provided for in the 2nd clause, or whether they would be sufficiently provided for by an Amendment to the 6th clause?

COLONEL STUART KNOX said, the right hon. Gentleman stated that there was something in his proposition in favour of the landlord. The Opposition wanted nothing in favour of the landlord. They wanted merely justice and fair play. He wished to ask the Chairman whether he was in Order in proposing that the Government proposal should be printed before being put to the House? He begged to move that the Chairman report Progress and ask leave to sit again.

MR. BOUVERIE said, he thought the hon. and gallant Member (Colonel Stuart Knox) had not made that proposal seriously. The right hon. Gentleman at the head of the Government did not seem to understand the difficulty. He had proposed an important alteration at the end of the clause, which was not known of till a few minutes ago, and which admitted of considerable verbal criticism. Having made a substantial alteration, the right hon. Gentleman said he wished to leave it open to the Committee to say whether it was an improvement. For one, he felt at a loss to pronounce an opinion on that alteration, unless he knew what the Government proposed to do with the rest of the clause—whether the Amendment was an addition and the rest of the clause was to run on as it stood, or whether the Amendment was intended to be a substitution for the rest of the clause? [MR. CHICHESTER FORTESCUE said, the Amendment was an addition.] Then they were going to legalize any usage which in all essential particulars was similar to any of the numerous usages of Ulster; and this probably ought to be done; but they must take care that by their phraseology they did not open the door to endless litigation and disputes. How would it be possible to ascertain whether a usage corresponded in essential particulars with usages of various descriptions in another part of the country? Until they knew the full extent of the proposed change they were not in a position to pronounce an opinion on the merits of the Amendment submitted by the Government.

MR. CHICHESTER FORTESCUE said, the Amendment of the Government was entirely independent of the remainder of the clause, and the Amendment was submitted on the authority of the Government, who desired to consult the Committee with reference to the rest of the clause. The distinction between the customs and usages referred to was literally a geographical one, and nothing more. No one could dogmatize with respect to the extent of customs prevailing by common consent between landlord and tenant in other parts of Ireland; but it was thought right and necessary to say that wherever they existed they should be recognized and enforced; and the difficulty of recognizing the Ulster custom, wherever it was found, was vastly overrated, as the variations were variations, not of substance, but of degree. No Irish County Court Judge would find the least difficulty in recognizing the existence of a custom corresponding essentially to the Ulster custom, no matter in what part of Ireland it might be found. With respect to the rest of the clause, it had nothing to do with this proposal; it referred to matters of minor importance, and the Government desired to be guided by the views of the Committee as to whether it should be retained or not.

DR. BALL said, that the whole of the present difficulty would be obviated if the new clause were made No. 2 of the Bill, and the clause which was now No. 2 were made No. 3. This was a change which was demanded by imperative reasons. The clause just proposed by the Prime Minister dealt with an entirely different class of customs from those dealt with by the clause as it was originally printed. The new clause related to customs that essentially resembled the Ulster custom, and if that were the case they ought to form a separate clause by themselves. It would be much better to have each clause in a separate section. The Ulster customs had all been embraced in a section by themselves, and those customs which essentially resembled the Ulster customs ought also to be contained in a separate section. But there was a third class of customs it appeared which had not the essential attributes of the Ulster customs, because they differed from them in this particular, that they made no provision for disposing of the goodwill during tenure. The clause itself, as originally framed, did not suppose this right to alienate, and that was another reason for what he was contending. As regarded the merits of the new proposal he must say that he himself had very great doubts respecting the existence of any such thing as Ulster tenant-right out of Ulster, notwithstanding that this had been affirmed by hon. Gentlemen on the opposite side.

MR. SHERLOCK observed, that the clause, as amended by the Prime Minister, would make the Bill apply to the three classes of tenants. First of all the Bill by the 1st clause legalized the tenant-right of Ulster, and then the 2nd clause, as now proposed to be amended, would apply to a class of tenants out of Ulster to whom would be extended the benefit of the Ulster tenant-right in places having an analogous custom. After that the 3rd clause would apply to a class of tenants to whom the Ulster tenant-right would not extend. Such a classification as that would prevent all confusion.

MR. FLOYER said, he thought that the discussion seemed to assume the logical, or rather illogical, character of explaining the *obscurum per obscurius*. Everyone who had spoken had entirely failed in defining what the Ulster tenant-right really was. They were told that there were various usages or customs that went under that description, but no definition could be found for them; but it appeared clear that, whatever the Ulster tenant-right might be, it was the tenant-right which prevailed in Ulster. It was now proposed to extend the Ulster tenant-right to the whole of Ireland. ["No, no!"] He maintained that such was the case. All tenant-right prevailing in Ulster was to be tenant-right, and also all tenant-right prevailing out of Ulster. Consequently all tenant-right, wheresoever it prevailed, would be contained in the clause. If that were so, and if the clause were carried, it would no doubt do much to promote the progress of the Bill; but he insisted that such an important Amendment as the one now under consideration ought not to have been moved till it had been placed before the House, and full opportunity had been given for its consideration.

SIR ROUNDELL PALMER said, the answer to the question as to what would be the effect of the words now proposed by the Government was very simple. The words would certainly confine the operation of the first part of the clause very strictly to a custom in other parts of Ireland which was identical with the Ulster custom, and it seemed a reasonable principle that the same rule should be applied to both. Then the question was whether there would not be difficulty in practically applying the words "corresponding in all essential particulars with the Ulster tenant-right." His notion was, if the Chief Secretary for Ireland were justified in his statement that there was a well-known class of usages in Ireland differing in degree only and not in kind, that then there would be no difficulty in applying the words of the proposed Amendment; but, on the other hand, there would be very great difficulty if there were various usages in Ulster differing in kind.

MR. C. S. READ said, the adoption of the Amendment would be very unfair towards the hon. Member for Linlithgow (Mr. M'Lagan), whose Amendment had been rejected. He understood the signification of the Amendment proposed by the Government to be that wherever a tenant-right such as prevailed in Ulster was found to exist elsewhere, it should be treated in the same way as the Ulster tenant-right; but by the 3rd section of the present clause it was provided that

> "A tenant of a holding under a lease made after the passing of this Act, and granted for a term certain of not less than thirty-one years, shall not be entitled to any compensation,"

and yet a similar provision was not applied to the Province of Ulster.

MR. CHICHESTER FORTESCUE observed, that usages identical with those in Ulster would be subject to the same conditions. All the restrictions in Clause 1 applied to the Amendment; but the restrictions in Clause 2 had no reference to it.

Mr. B. SAMUELSON maintained that the customs of Ulster varied in kind as well as in degree. The words of the Amendment were, therefore, too stringent, and would occasion difficulty. Instead of the words "corresponding in all essential particulars," he would suggest that "analogous" should be adopted, which would in a great measure remove the difficulty.

Lord JOHN MANNERS submitted that after the admission of the Chief Secretary that the customs to which the Amendment referred would be subjected only to the provisions of the 1st clause, the position of the right hon. and learned Member for the University of Dublin (Dr. Ball) was fully established. The proposal of the Government formed in reality a new clause. It would save much time if the Government would agree at once to postpone the 2nd clause, and the right hon. Gentleman could at the proper time bring forward a new clause dealing with those other usages, which were now, for the first time, found to be in strict analogy to the Ulster custom.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, the nine definitions of tenant-right which he had quoted from a book the other evening would be found to have common characteristics. Whatever the variations in extent and latitude, the tenant-right of Ulster had several leading characteristics; none of the definitions described a tenant-right differing in kind from one another.

Mr. PELL observed that, whether the clause required further amendment or no, the marginal note would certainly require change, for it referred in precise terms to "customs other than those of Ulster."

Sir JOHN GRAY said, the course taken by the right hon. Gentleman at the head of the Government, in proposing an Amendment to the first part of the clause, before the remainder had been discussed, was quite in accordance with the custom of the Committee. After the Committee had divided on the proposed Amendment they could proceed to consider the latter part of the clause.

Mr. HEADLAM reminded the Committee that in proposing his Amendment to the 1st clause he had expressed a strong opinion that all the customs existing in Ireland should be dealt with by one clause, and everything which had occurred since had tended to confirm that conclusion. He objected, in the first instance, to geographical distinctions in respect of the Ulster usage, and they had now advanced a step towards removing such distinctions. He could not understand the object of dealing with what were declared to be identical customs in separate clauses. Two classes of custom were said to prevail, and they were to legalize one class but not the other, neither being defined. A clear definition of each class of usage was absolutely necessary to enable the Committee to proceed further. Under these circumstances, he hoped the Government would consent to put their Amendment fairly on the Paper before it was considered.

Mr. G. B. GREGORY said, he thought the Government would hardly take a division on the question after hearing the opinions of so many hon. Members. It was essential to decide under what clause the customs referred to in the Amendment must come; and it would be advisable to state their meaning in express terms, rather than leave the courts to decide what usages could be held to be similar to the Ulster custom.

Mr. DIGBY expressed the pleasure with which he had listened to the statement made by the right hon. Gentleman at the head of the Government in proposing the Amendment. Great dissatisfaction existed in some parts of Ireland as to the distinctions which had been drawn between the tenant-farmers.

Mr. MATTHEWS said, it might be quite right that when a usage had prevailed for a series of years in the case of a particular holding, it should receive the force of law for that holding. Still, that was a new matter of large inquiry which was now sought to be imposed on the courts under the Act, and it was but fair that hon. Members should have an opportunity of seeing the proposal in print.

Colonel STUART KNOX said, he hoped the Prime Minister would give the Committee time to consider the matter. He strongly objected to Amendments being forced upon the House without notice. It was true that there were hon. Members behind the right hon. Gentleman who were ready to swallow anything which he might propose; but his proposal had taken those who sat on the Opposition side of the House, at all events, by surprise. It was all very well for a tyrant majority to try to force upon the Committee a proposition made by the right hon. Gentleman without notice; but, in his opinion, it was unworthy of the right hon. Gentleman and of the Committee not to afford opportunity for the consideration of a question of such deep importance, not only to Ireland, but to the Empire. He trusted the right hon. Gentleman would yet think it right to give the Committee time to consider the Amendment.

Mr. WALPOLE observed it was quite clear, from all that had been said on the subject that night, that the Committee could not possibly judge of the full effect of the Amendment of the right hon. Gentleman until hon. Members were enabled to see the Amendment in print, and he suggested that it should be postponed in order to allow time for its consideration. The 1st clause of the Bill declared the Ulster custom to be legal and would enable the tenant to enforce it; but the Government now made a proposition to the effect that the customs in other parts of Ireland should be dealt with in the same way. That, however, would be irreconcilable with Clauses 2 and 3. If he were right in that view the best course, in his opinion, to take would be to go on with Clause 2, and afterwards to bring up a clause giving effect to the new proposal of the Government.

Mr. GLADSTONE said, it would be very inconvenient to postpone the Amendment. He thought his right hon. Friend would see that the arrangement proposed by the Government was logically quite consistent, and practically by far the best which they could adopt. The subject was one of the greatest interest to the people of Ireland, and it would be a very great disappointment to them if the Government were to postpone to the end of the Bill the declaration of the course which they intended to pursue with respect to cases of custom out of Ulster, where the custom was practically identical with the custom in that Province. The proposition of the Government was not a new one, but consisted in a verbal adaptation merely of Amendments almost the same in substance which had appeared on the Notice Paper for a long time.

Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided*:—Ayes 186; Noes 271: Majority 85.

Mr. COLLINS said, he did not wish to stop the progress of the Bill; but he hoped the Government would consent to the Chairman leaving the Chair. He should conclude with a Motion to that effect, because he thought the House had not been fairly treated in Morning Sittings being asked for before Easter, by which means he did not think that any real progress would be made. It was proper to have Morning Sittings to deal with the Peace Preservation Bill; but with regard to this measure, it would be more convenient to sit until four o'clock in the morning. Under the circumstances, he moved that the Chairman should leave the Chair.

Mr. GLADSTONE said, he hoped the hon. Member would not persevere with such a Motion after the House had pronounced so very decisively. If the eloquence of such a majority did not prevail with the hon. Member, he (Mr. Gladstone) could not hope to exercise any influence. He was sorry that the clause as to the Ulster custom had not been disposed of; but he hoped to be more fortunate to-morrow. [Several hon. Members: When?] At two o'clock. ["No, no!"]

House *resumed.*

Committee report Progress.

Motion made, and Question proposed, "That this House will To-morrow, at Two of the clock, again resolve itself into the said Committee."

After short discussion—

Previous Question put, "That that Question be now put." — (*Mr. James Lowther.*)

The House *divided*:—Ayes 269; Noes 172: Majority 97.

Main Question put, and *agreed to.*

Resolved, That this House will *To-morrow*, at Two of the clock, again resolve itself into the said Committee."

POACHING PREVENTION ACT REPEAL BILL.

On Motion of Mr. Brown, Bill to repeal the Act of the twenty-fifth and twenty-sixth years of Her Majesty, chapter one hundred and fourteen, intituled "An Act for the prevention of Poaching," *ordered* to be brought in by Mr. Brown, Mr. Andrew Johnston, Sir David Wedderburn, and Mr. Thomas Potter.

Bill *presented,* and read the first time. [Bill 93.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, 1st *April,* 1870.

MINUTES.]—Public Bill—*First Reading*—Bankrupt Law Amendment (Ireland) (61).

BANKRUPT LAW AMENDMENT (IRELAND) BILL.

BILL PRESENTED. FIRST READING.

The Marquess of **CLANRICARDE** *presented* a Bill to amend the Law of Bankruptcy in Ireland. The main purpose of it was to place non-traders on the same footing as traders. It had twice been approved by their Lordships, and, though it had not passed the other House, he believed there was very little objection to it. With regard to the Question of which he had given notice as to the re-introduction of the Common Law Courts (Ireland) Bill, he had since become better informed as to the scope of a measure which had been brought in this Session, and it was therefore unnecessary for him to trouble the noble and learned Lord (the Lord Chancellor) with such a Question.

Bill read 1ª; to be *printed;* and to be read 2ª on *Tuesday,* the 3rd of *May* next. (No. 61.)

PEACE PRESERVATION (IRELAND) BILL.

Returned from the Commons with several of the Amendments made by the Lords *agreed to,* and one *disagreed to,* for which they assign a reason.

Commons' reason for disagreeing to one of the Amendments made by the Lords *considered: Moved* not to insist on the Lords' Amendment to which the Commons have disagreed; on Question, *agreed to.*

House adjourned at half-past Five o'clock, till To-morrow, One o'clock.

HOUSE OF COMMONS,

Friday, 1st *April,* 1870.

MINUTES.]—New Writ Issued—*For* Devon County (Eastern Division), *v.* Lord Courtenay, Chiltern Hundreds.

Public Bill—*Committee*—Irish Land [29]—R. P.

The House met at Two of the clock.

TRANSFER OF LAND.—QUESTION.

Mr. **PIM** said, he would beg to ask the First Lord of the Treasury, Whether he did not, when moving the First Reading of the Irish Land Bill, refer to a Bill for facilitating the transfer of land as one of the measures which the Government proposed to introduce; whether he did not state that these measures would apply, not to Ireland alone, but to the whole Kingdom; whether the Bill introduced into the other House of Parliament by the Lord Chancellor is not the Bill he then referred to; and, if so, why it does not extend to Ireland and Scotland; and, whether it is the intention of the Government to introduce separate Bills on this subject for Ireland and Scotland?

Mr. **GLADSTONE**: Sir, I believe that in introducing the Irish Land Bill, as far as my memory serves me, I said I would not enter into the consideration of the Transfer of Land Bill, because that Bill would not be confined to Ireland. That, at least, is what I ought to have said. The Bill introduced by my noble Friend the Lord Chancellor in "another place" does not include any country except England. My hon. Friend, however, is substantially right in his supposition that this is a mere matter of arrangement. On examination we found that both the state of the law and the machinery of the Bill would render it more convenient to deal with England in one Act first, as when the substantial principles of the law were settled it would be easy to extend them to Ireland. I do not, however, think it would be convenient to mix up this matter with the Irish Land Bill.

Mr. **PIM**: Assuming that the Bills will be similar in principle, may I ask whether the Irish Bill will be passed this Session?

MR. GLADSTONE: The demands on the time of the House are very great; but I shall be very sorry if we are not able to bring it in this year.

NAVY—H.M.S. "MEGÆRA."—QUESTION.

SIR JOHN HAY said, he would beg to ask the First Lord of the Admiralty, If any Reports had been received from Her Majesty's Ship "Megæra" on the subject of the coal supplied to her at Sheerness last autumn; and, if so, if he will lay them upon the Table of the House?

MR. CHILDERS: In reply, Sir, to my hon. and gallant Friend, I have to say that a Report was recently received that some Welsh coal in Her Majesty's ship *Megæra* became heated, but not to a dangerous extent, on the 30th of last December, when the ship was near the Equator; the North country coal in the same ship not having become heated. The Commodore inquired into the circumstances and stated that there had been no danger, but that the use of the particular coal would be considered. We have ordered further inquiry. I do not propose to lay this particular Report on the Table by itself; but I do intend to lay on the Table Returns from the Fleet on the subject of coal, showing the results of our experience as to Welsh and North country coal recently purchased, and this case will be included.

BLUE BOOKS AND PARLIAMENTARY PAPERS.—QUESTION.

MR. AUBERON HERBERT said, he wished to ask the Under Secretary to the Treasury, If he would object to grant, on the application of the Committees of Free Libraries, managed under the provisions of the Public Libraries Act, two copies of all Blue-books and other Parliamentary Papers?

MR. STANSFELD, in reply, said, the subject of the gratuitous distribution of Parliamentary Papers and blue books had been considered by the Treasury, not now for the first time; and the conclusion which they had arrived at—a conclusion which was, he believed sound—was that documents and books which were gratuitously distributed were not likely to be much valued or used. He thought that conclusion was in accordance with the experience of hon. Members themselves. His hon. Friend was, he presumed, aware that all those documents were published at a very low price, and might easily be obtained.

PEACE PRESERVATION (IRELAND) BILL

LORDS' AMENDMENTS.

Lords' Amendments *considered.*

MR. GLADSTONE said: This being a Government measure, it becomes my duty to make a proposal to the House on the subject of the Lords' Amendments. I am not aware of any reason why any of these Amendments should be disagreed to by the House till we come to a very long Amendment in the middle of page 4 of the printed Paper. That Amendment, I am afraid, doubly infringes the privileges of this House, both by altering the manner in which a grand jury is empowered by the Bill to direct that the sum presented should be divided among and paid to such one or more or all of the next of kin of the person murdered, and next by empowering the Judge of Assize, if he thinks that the money disallowed by the grand jury should have been in whole or in part allowed, to make an order dividing such sum or sums of money as he may think fit to be paid to the personal representative, or to one or some or all of the next of kin of the person murdered, and in such shares and proportions as he may think right, or to the person maimed or injured, as the case may be, and to be levied of such county at large, barony or half-barony, or other district, as he may think just. Now, that is, I think, an undeniable case of taxation by the House of Lords, and therefore I believe the proper Motion will be to agree to the Lords' Amendments only as far as the word "levied" in page 4, line 18.

Amendments, as far as the Amendment in Clause 38, page 18, line 18, read a second time, and *agreed to.*

Clause 38, pages 18 and 19, the next Amendment, read a second time, and *disagreed to.*

Subsequent Amendments read a second time, and *agreed to.*

Committee *appointed,* "to draw up Reasons to be assigned to the Lords for disagreeing to the Amendment to which this House hath disagreed:"—Mr. GLADSTONE, Mr. CHANCELLOR of the EXCHEQUER, Mr. Secretary BRUCE, Mr. Secretary CARDWELL, Mr. CHICHESTER FORTESCUE, Mr SOLICITOR GENERAL for IRELAND, Mr. WILLIAM

Edward Forster, Mr. Stansfeld, Colonel French, Mr. Moore, and Mr. Glyn:—To withdraw immediately; Three to be the quorum.

Reason for disagreeing to one of the Lords' Amendments *reported*, and *agreed to*:—To be communicated to the Lords.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*

COMMITTEE. [*Progress 31st March.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 2 (Legality of tenant-right custom other than Ulster custom).

Amendment *moved*, to insert at the commencement of the clause the words—

"If, in the case of any holding not situate within the Province of Ulster, it shall appear that an usage prevails which in all essential particulars corresponds with the Ulster tenant-right custom, it shall in like manner, and subject to the like conditions, be deemed legal, and shall be enforced in manner provided by this Act." — (*Mr. Gladstone.*)

Amendment *agreed to.*

Mr. GLADSTONE said, it would be convenient he should state for the information of the Committee what was proposed with reference to this clause. What he was anxious for last night was that the Committee should settle the question of the Ulster custom. That question, he considered, had been disposed of by the adoption of his Amendment and its insertion in the clause, and it would be for the Committee to consider whether it would be regular to leave these words, omitting the rest of the clause, or negative the whole clause with a view to its consideration hereafter. It was important that the Committee should consider the matter with reference to the minor customs existing throughout Ireland. He called minor customs such as were inferior in weight and authority to the Ulster custom. The authority of the Ulster custom rested on the consent of the landlord, given in deference to a long-established rule or immemorial practice. Wherever that consent was so given, an honourable obligation existed between landlord and tenant, the strength of the tenant's case being that he, with the implied or the express consent of the landlord, had given money or other consideration, or his predecessors in title had given money or consideration, for his holding. By an extension of the 6th clause it would be possible to include all these cases, so as to secure for the tenant reasonable compensation. There was still another class of cases which would be embraced by part of the 2nd clause not yet dealt with—that was to say, the 2nd clause as it stood in the print of the Bill. A practice or usage of compensation often prevailed between the incoming and outgoing tenant, apart from any interference of the landlord whatever, or from any such interference or cognizance shown or proved. The real question for the Committee to consider was, whether it was desirable to have provisions like those of the 2nd clause for the sake of dealing with this class of cases. As the Bill was originally drawn this was thought desirable, in the first place, because it was a great thing to go upon the customs of the people instead of proposing a new and conventional legislation; and, in the second place, because it was desirable to found legislation upon everything which was specifically and separately Irish, so as to mark what he believed was the conviction of the House—namely, that this Bill was to be passed with reference to the peculiar necessities of Ireland, and not with a view of creating a model to which all landlords should conform. On the other hand, it was true that this clause would involve very considerable complications in the consideration of its details; and, moreover, it would tend to obscure the main question raised by the right hon. Gentleman (Mr. Disraeli) and others upon Clause 3. This being so, if the hon. Gentleman (Sir John Gray) felt disposed to press for the omission of the words comprised in his Amendment, he should not object; but in that case, as a matter of form, it would be right, when the Committee came to the final question of the clause, to negative it on the understanding that it would be brought up when they came to the end of Clause 6.

Sir JOHN GRAY moved that the words "a tenant," line 25, and the following words to the end of section be left out, retaining the first word, "Where."

Mr. NEWDEGATE said, that the other customs alluded to by the right hon. Gentleman the First Minister of the Crown stood on the same footing as many customs in England. In the case of his own estate he determined to frame an agreement which should establish the principle of compensation. Thus, of his own free will, he had contracted himself out of the custom of the estate and created a better one; and in consideration of the security so given to the tenant he required the tenant to pay something equivalent to dilapidations. When the Bill proceeded to deal with the existing uncertain customs it was unjust, because there was to be no contract on the part of the tenant to pay for dilapidations, or the equivalent of them, in consideration of the benefit he would derive from having a security against the estate; and this injustice could not be remedied by the process which the right hon. Gentleman proposed. It was not right to give the tenant an important advantage, leaving the landlord no security against dilapidations.

Mr. GATHORNE HARDY said, he understood the Government to recommend the Committee to dispense with this clause, and rely on the 6th clause, in order to deal with cases in which the tenant had paid for his holding; relying, in other cases, on the ordinary law. The Ulster tenant-right would be left as it was, as far as the Committee could ascertain it; where it had extended beyond the Province of Ulster it was to be dealt with in the same way; and the landlord and tenant would be empowered to contract and get rid of it. This being so, he saw no objection to the omission of the rest of the clause, and the words of the Amendment already adopted would, he supposed, be also negatived with a view of bringing them up again.

Mr. GLADSTONE said, if the rules of the Committee required these words to be negatived, that course must be adopted, and they would be brought up hereafter, on the understanding that these were words which the Committee would agree upon.

Mr. WALPOLE said, that when a clause was submitted every one had the power of proposing to amend it; and to strike out the rest of a clause after the first word would be a very inconvenient proceeding, for it would place them in the position of legalizing the Ulster tenant-right custom and then passing to Clause 3, which dealt with everything not coming under Clauses 1 and 2. It was admitted there were customs which ought to have legal effect given to them; and the effect of what was proposed, would be that no other custom in Ireland, excepting the Ulster tenant-right and equivalent customs could be recognized.

Mr. GLADSTONE said, it was quite true they would not be recognized as customs; but the bulk of these practices, though not recognized as customs, would come in as facts under the 6th clause.

Mr. OSBORNE said, the wording of the clause must, of necessity, involve the whole South of Ireland in a great lawsuit. How could any man in Kerry, Tipperary, or Waterford, know what the Ulster tenant-right custom was in all essential particulars? These counties had customs of their own which were peculiar to them, and they did not correspond in any particular with the Ulster tenant-right. The remarkable thing in the debate was that, so far, the Ulster tenant-right custom had not been defined at all; it had only been stated what was not the custom. Whatever variations might arise in the amount paid for tenant-right in Ulster, the real custom was one and indivisible, and, according to the Devon Commission, it was that the outgoing tenant could sell his interest to the highest purchaser, independently of any improvements at all. In fact, the Ulster tenant-right was the sale of goodwill; but, somehow, everyone had been trying to avoid the statement of that fact. In the South this custom did not prevail at all; and yet the tenants in the South were told that if they could prove that in all essential particulars their custom corresponded with the Ulster tenant-right custom—in effect, that if they would go to law with the landlord—they would have the chance of approximating to that custom. Of course, the next agitation would be one for extending the Ulster tenant-right custom to the South of Ireland. He wished to know whether this was what was intended? Let it be known what was meant by corresponding in all essential particulars with the Ulster custom. In the South of Ireland the custom did not correspond, in any one single particular, with the Ulster tenant-right. Landlords who were anxious to get rid of tenants when they did not pay their rents had often to give them £50 or £100 to go away, and that did not correspond with the Ulster tenant-right at all. If the Committee were confusing the usages of the South with the Ulster tenant-right, he warned them that they were sending to Ireland a great present to the lawyers, who would worry landlords and tenants with perpetual litigation. The clause was badly worded, and did not look as if it had been drawn up by a lawyer.

Dr. BALL said, the argument of the hon. Member for Waterford (Mr. Osborne) really operated in favour of the proposition before the Committee, which was to leave out the rest of Clause 2.

Mr. B. SAMUELSON said, that if the remainder of Clause 2 were struck out the Committee ought to know how the customs named in it were to be dealt with, and whether they were to be re-introduced in Clause 6. Under Clause 1 the tenant had power to disclaim the tenant-right, and to claim under Clause 3, and he should like to know whether a similar proviso applied to Clause 2, as proposed to be amended.

Mr. GLADSTONE said, undoubtedly the intention of the words which the Committee had adopted was to apply the whole body of the provisions of Clause 1 to the Ulster tenant-right if found to exist in all essential particulars out of Ulster. The manner in which it was proposed to find a much simpler substitute for Clause 2, to meet cases in which payments had been made with the express or implied consent of the landlord, was by making an alteration in Clause 6. The clause as printed applied to those who did not prefer claims under the three first clauses of the Bill, and, therefore, it applied only to a certain portion of the tenantry of Ireland; but it was proposed to substitute words which would include all the tenantry of Ireland upon their leaving a farm, so that any man who had paid money to a previous tenant with the consent of his landlord, would be able, on retiring voluntarily from the farm, to obtain compensation in respect of it. In fact, speaking briefly, the proposed Amendment of the 6th clause would cause it to embrace the whole tenantry of Ireland. That would be one change, and the other principal change required would be that, instead of the clause being limited to the case where the tenant himself, on taking his holding, had paid money, with the consent of the landlord, it would be necessary to extend it to the predecessors of the tenant. With these alterations, Clause 6 would adequately cover all the cases in which payments had been made by tenants or by their predecessors, and where any equitable interest had been created in respect of these payments as against the landlord.

Sir HERVEY BRUCE said, that the power of the incoming tenant to buy from the outgoing tenant the entry to a farm was only one of the usages of Ulster imported upon a few estates, and not universal, and such purchase was so various in its degree and mode of being carried out that Ulster tenant-right custom would be difficult to define; it had not the antiquity which had been ascribed to it in all parts of Ireland; and, indeed, upon his own estate, and many others, it had sprung up within the last fifty years. He believed that the Ulster custom arose from the fact of the lands being low set, and when the tenant fell into difficulties the landlord, in order to get his rent paid, allowed the incoming tenant to give to the outgoing tenant a sum of money which enabled him to pay the rent; and it was only fair that those who gave money under the custom, sanctioned by the landlord, should receive the authority of Parliament to get a portion of the money back again. Still, it was not an unrestricted custom enabling the outgoing tenant to sell as he pleased the occupation to the incoming tenant; and if the definition of the hon. Member for Waterford (Mr. Osborne) were accepted, it would be difficult to say in what position they would be in legislating in this matter.

Mr. HENLEY said, that on the second reading of the Bill he expressed his opinion that the measure was likely to make good work for the lawyers, and as the Bill proceeded that opinion became strengthened. The first question arising under the present clause was whether a usage existed; the next question related to the nature of that usage; and the third question, which must be asked, was whether any particular tenant was likely to come under that usage or under the other clauses of the Bill. These three blessed questions a £10-tenant would have to resolve, and he thought it would be satisfactory if the First Lord of the Treasury were to get the Civil Service Commissioners to state what would be the minus quantity which a £10-tenant was likely to get after having gone through the process of considering those questions. If the unfortunate tenant was to be landed in all possible litigation arising out of the present proposal, the promised benefit to be derived from the Bill could not but turn out a delusion to him. As the First Lord of the Treasury had indicated changes in other clauses of the Bill, it would be only fair to put the proposed changes on the Business Paper in print, so that they might have some chance, he would not say of being fully comprehended, but of conveying an idea of the litigation likely to result. He doubted whether hon. Members, taking them two by two, would each give the same opinion as to the effect of the proposed legislation.

Mr. BRUEN said, he thought it would be better if the whole clause were negatived, and that the entire subject should be re-considered when they came to the 6th clause.

Amendment *agreed to.*

On Question, "That the Clause, as amended, stand part of the Bill,"

Mr. HUNT rose to speak to a point of Order. The Committee, he said, had now thrown out Clause 2, and adopted other words, which constituted a new clause, and he wished to know whether it was competent to strike out the whole of a clause, and adopt new words under the guise of an Amendment?

The CHAIRMAN said, the rule was, that in Committee it could not be proposed to omit all the words of a clause for the purpose of inserting other words, because that would be equivalent to proposing a new clause; neither ought a proposition to be made to omit all the words of a clause, except some formal words, in order to substitute new words amounting to a new clause; nor was it consistent with the spirit of the rules of the Committee to make an Amendment to insert words at the commencement of a clause, with the view avowedly and designedly of then moving to omit all the rest of the words of the clause, because that would be tantamount to proposing a new clause, which ought only to be moved after all the clauses in the Bill had been gone through. In the present instance, however, two separate and independent Motions had been made by different Members. The Committee, in the first instance, inserted an Amendment at the beginning of the clause, and the proposition since made to omit the rest of the clause was strictly in order. If the Committee agreed to Amendments in a clause, when the Question was put that the clause so amended stand part of the Bill, it was open to the Committee to affirm this. No rule was in that case violated. He repeated, that if an Amendment was proposed in the first instance, of a character which showed that it was clearly intended and framed to evade the rule of the Committee, it would not be admissible. The Committee having, however, on the present occasion agreed to a legitimate Amendment, if, on subsequent consideration, the Committee arrived at the conclusion that it was desirable to omit the remaining words of the clause, there was no rule against it. It was matter for the Committee to decide.

Mr. GLADSTONE said, he was very glad the right hon. Gentleman had put the question, which had drawn from the Chairman so lucid a statement of the rule.

Mr. BRUEN said, he thought the change which had been made so important that it was necessary some further time should be given to consider the subject. He therefore proposed to negative the clause.

Mr. DISRAELI hoped the right hon. Gentleman at the head of the Government would not ask the Committee to divide on this question.

Mr. GLADSTONE: I shall say "No" to the question.

Clause *negatived.*

Clause 3 (Compensation in absence of custom).

Mr. M'CARTHY DOWNING said, he proposed to leave out words to the end of line 18, and insert others providing a new scale of valuation for fixing compensation where a tenant is disturbed in his possession. He thought it a just provision, which he hoped the Government would consider; but he would not divide the Committee upon it. Its effect would be to give tenants disturbed in their holdings a minimum as well as a maximum of compensation. It appeared to him that a minimum was absolutely necessary; for if there was not, one chairman of quarter sessions might give the maximum amount, while another gave scarcely anything, though the circumstances of the disturbance might in both cases be the same. The hon. Member concluded by moving the Amendment of which he had given notice.

Mr. CHICHESTER FORTESCUE said, he could not agree to the Amendment. It implied a distrust of the discretion of the courts, which was against the principle on which the Bill was framed. If they trusted them at all, they must trust them in this matter of compensation, for there would be exceptional cases constantly arising against which no words in any Bill could provide.

Amendment, by leave, *withdrawn*.

Mr. SHAW said, he rose to move an Amendment, giving a claim in the absence of custom in respect of a tenancy existing at the passing of the Act as well as in the case of tenancies of the future. He begged to move, in page 2, line 40, after "tenancy," to insert "existing at the time of or."

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, this would be introducing an entirely new element into the clause.

Mr. WALPOLE said, he feared the wording of the clause was so general that it would refer even to long leases.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, as long as the lease continued the tenant could not be disturbed in his holding under this clause.

Dr. BALL asked what would happen when the lease had expired. Certainly some words were necessary to show the intention with regard to leases.

Mr. CHICHESTER FORTESCUE said, that with reference to the past, this clause made no one but the immediate landlord liable; a superior landlord, who had no relations with the subtenant, would not be liable in respect of the past; but the Government proposed that, for the future, the superior landlord should take care of himself and be liable.

Sir ROUNDELL PALMER said, he must confess he was much mystified. Nothing could be more certain than that a man holding under a long lease would not be disturbed in his holding, if at the expiration of the lease the landlord reentered into possession. If, however, at the expiration of the lease he was allowed to continue in his holding, he would become a tenant from year to year. Surely a tenant giving up possession on the expiration of a long lease would not be entitled to compensation.

Dr. BALL said, he believed he was right in thinking the spirit of the Bill was not in favour of a landlord disturbing a tenant on the termination of his tenure; as he understood it—and this was one of his objections to the measure—if he granted a lease for twenty-one years the Bill contemplated that he should come within this section, if he resumed possession at its termination. The precise intention with regard to leases ought to be clearly defined.

Mr. SHERLOCK said, he believed that the turning of a man out of his holding in Ulster on the termination of his lease would be regarded as an unjust disturbance. He would suggest that the act of disturbance should be defined, and that it should be held to take place on the very first initiatory proceedings. This would be for the interest both of the landlord and of the tenant.

Mr. SYNAN said, that if the Government meant the clause to apply to leases it should be stated in so many words.

Mr. JESSEL said, although he always hesitated to differ from the hon. and learned Member for Richmond (Sir Roundell Palmer), he was obliged to do so on the present occasion. It appeared to him that the interpretation put upon the clause by the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball) was the correct one. He was unable to assent to the reason given by the hon. Member for Richmond, because he found that throughout the Act disturbance of the lessee by the landlord was contemplated. After perceiving the variety of opinion even among lawyers on this point the Committee would probably come to the conclusion that the Bill was, at least, ambiguous. If the restriction was to apply only to tenants from year to year, that meaning ought to be clearly expressed.

Mr. HUNT said, he thought his right hon. and learned Friend's (Dr. Ball's) opinion was shown to be the correct one by the wording of the Interpretation Clause, No. 66.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, the answer to the right hon. and learned Gentleman the Member for Dublin University (Dr. Ball) was that the words made the clause not retrospective, but prospective, and consequently the matter could be arranged by the parties themselves. If the landlord was anxious that a tenant for twenty-one years should not come under this clause he might make an arrangement to that effect.

Colonel VANDELEUR pointed out that there were, at the present time, many leases for long terms of years. Now, if on the termination of one of these leases the landlord found a number of very poor cottiers on the estate, he could not get rid of them without serving a notice to quit on each individual cottier, and the result would be that he could not regain possession for six or eight months, as it might frequently be to the advantage of the cottiers if they refused to give immediate possession. But if notices to quit were served there would be disturbance by the landlord, and the cottiers might go before the barrister, who would be entitled to award them seven years' rent or more, according to the size of the holdings.

Mr. OSBORNE said, he was surprised at the reason alleged by the Solicitor General for Ireland, who had said that it was open to the landlord to make a bargain with the tenant; for one of the sections of the Bill declared that any contract made by a tenant, by virtue of which he would be deprived of his right to make any claim which he would be otherwise entitled to make, should be void. A totally different principle had been enunciated by the Solicitor General when he said it was open to the tenant to make such a contract.

Mr. GLADSTONE said, there was no contradiction whatever. It was open to the tenant to make a contract in the terms provided by the section. It was distinctly stated in sub-Section 3 of the clause what was the kind of contract which a landlord could make with a tenant if he wished to bar the claim of the latter for damages for eviction. As to the intention of the Bill there could be no doubt whatever. He would not now enter upon the question of sub-leases, because there was a peculiarity in the phraseology in order to meet that difficulty, which must be reserved for a separate discussion. But as regarded prospective tenancies there was no doubt whatever about the intention of the Bill. The Government recognized the claim of the ordinary Irish tenant to protection in the event of his eviction, and the ordinary Irish tenant was undoubtedly a tenant from year to year. Therefore, *primâ facie*, it might be said that it was necessary to protect a tenant from year to year, but not a tenant who already possessed stability of tenure under a lease. The Bill, however, must determine what kind of lease was to be a bar to a claim for damages, because to pass a measure to protect tenants from year to year, and nobody else, a lease given for two years would defeat the purpose aimed at by the Government. The Government had determined for themselves what would carry out the idea of giving not perpetuity, but stability of tenure, which they thought would be adequately secured by a lease under certain conditions if granted for a term of not less than thirty-one years; and when the point of thirty-one years was reached, and when in addition there were other reservations added on the part of the tenant with respect to permanent buildings, the reclamation of land, unexhausted manures, and so on, the landlord and tenant would pass out of the scope of this vitally important part of the measure.

Mr. GATHORNE HARDY said, he thought it was clearly the intention that nothing should bar the claim under the clause except a thirty-one years' lease, with some other conditions. He was opposed as much as possible to this; but he thought the subject might be more conveniently discussed when the sub-section came under the consideration of the Committee. For his own part, he could not understand why no person should be deemed able to contract unless he were able to contract for a term of thirty-one years.

Amendment, by leave, *withdrawn.*

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he would propose a verbal Amendment with the view of carrying out the conclusion arrived at by the Committee yesterday in amending the 1st clause. To the words—

> "Where the tenant of any holding held by him under a tenancy created after the passing of this Act is not entitled to compensation under Sec-

tions one and two of this Act, or either of such sections"—

he proposed to add the words—"or, being entitled, has not claimed under either of them."

COLONEL BARTTELOT said, he thought it would be far more convenient if the Solicitor General for Ireland would put his Amendments on the Paper, so that hon. Members might read them and consider their purport. The hon. Gentleman shook his head; but he confessed he did not know what this Amendment of the hon. Gentleman meant. The proposed addition might, for aught the Committee knew, have the effect of changing the whole meaning of the clause. The hon. Gentleman's Amendments had not been placed on the Paper, and nobody on that side of the House could understand them.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) explained that there was no difficulty about the matter. The additional words were necessary in consequence of the Amendment passed yesterday to the 1st clause; and he might mention that the hon. Member for Cork (Mr. Downing) had given notice of his intention to move the insertion of words substantially the same as those just proposed.

LORD ELCHO said, that in dealing with a Bill of this magnitude it was essential that everything proposed to be done, especially by the Government, should be rendered as clear as possible. All the Amendments ought to be in print, and hon. Members ought to have an opportunity of comparing all the alterations proposed. In his opinion, therefore, his hon. and gallant Friend the Member for West Sussex (Colonel Barttelot) had done good service in calling the attention of the Committee to this subject. What had happened today? Amendments had been placed on the Paper with reference to Clause 2, and it was very naturally supposed that the discussion upon them would last some hours. Consequently other hon. Gentlemen who were engaged upstairs on Select Committees, and who had given notice of Amendments on Clause 3, calculated upon being able to come down to the House after four o'clock in time to move their Amendments, but they found that Clause 2 had been struck out altogether. He hoped hon. Members would take every step in a matter so important as this with their eyes open and deliberately.

DR. BALL said, he would make no objection to the proposed Amendment, which was consequent on the Amendment made yesterday on Clause 1.

MR. G. B. GREGORY said, he thought it was agreed yesterday that every tenant might say whether he would claim under the Ulster custom or under the 3rd section.

SIR HERVEY BRUCE pointed out that the present Amendment referred to the 2nd section, which was no longer in the Bill.

SIR GEORGE JENKINSON said, he concurred in the protest made by his noble Friend (Lord Elcho). It was not fair that Amendments should be proposed by the Government without being printed.

MR. GLADSTONE said, that if the suggestion of the hon. Baronet (Sir George Jenkinson) were acted upon satisfactory progress in Committee would be impossible. When a complicated measure was discussed in the Committee the final adjustment of expressions must depend upon contributions from many persons and various quarters. Due notice had been, and would continue to be, given of every substantial Amendment proposed by the Government. When, however, an Amendment was proposed by an independent Member, and the Government saw no objection to it, they were at liberty to suggest what words would be necessary to carry out the object in view. Amendments of this kind were, in reality, merely verbal adjustments for carrying out the proposals of the Committee. The present Amendment was a purely consequential one, to give effect to the intention already declared by the Committee, and he trusted, therefore, that no further opposition would be offered to it.

LORD JOHN MANNERS said, he wished to know from the Solicitor General for Ireland what would be the effect of the clause in respect to tenants under the Ulster custom when there had been no disturbance?

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) replied, that in the case of a tenant under the Ulster custom there need be no disturbance in order to give him a claim to compensation. His claim for compensation would be governed by the custom.

Mr. GLADSTONE said, he could not allow the noble Lord to remain under any misapprehension as to this point. A claim under the Ulster custom would be independent of disturbance by the landlord; but no tenant could claim under this clause until after an act of disturbance.

Colonel STUART KNOX said, that last night the right hon. Gentleman forced on the Committee, by means of his tyrant majority, several small Amendments to Clause 2; but now he came down and wiped them all out again. Last night, also, the right hon. Gentleman found fault with his hon. Friend the Member for Whitehaven. ["Order!"] He would ask the right hon. Gentleman whether he agreed in what he was about to read—

> "It need not be added that some hours would have been saved on Monday had this inevitable concession been then made. Something more would have also been saved. While we are grateful for the magnanimity of the Ministry, we cannot but admire the docility of their followers. To divide *en masse* against an Amendment on Monday, and to approve it with silent unanimity on Thursday, involves a loss of dignity and independence, however gratifying it may be as a tribute of respect to their Leader."

Sir JOHN ESMONDE rose to Order. His hon. and gallant Friend was reading an extract from a newspaper.

Colonel STUART KNOX: Yes; it is from *The Times*, a journal which supports Her Majesty's Government.

Mr. HUNT said, he regarded the Amendment before the Committee as a consequential Amendment; but, then, it was a very important one, and he saw no reason why it should not have been placed on the Paper.

Amendment *agreed to.*

Mr. CORRANCE said, the clause was one which required careful and anxious consideration. Providing as it did for compensation in the absence of custom, it contained what he might call the major proposition of the whole Bill, and he contended that it ought to have been taken first. They had never heard it openly and plainly stated from the Government Benches upon what reasons the clause was founded. It had certainly not been introduced on account of Fenianism, because they all knew that Fenianism had nothing to do with agrarian outrage; and it was not on account of evictions, because they all knew that nine-tenths of them took place in consequence of the non-payment of rent—a consideration which was excluded from the provisions of the Bill. It would have been very advantageous if the reasons for the clause had been stated; because the Committee would then have been able to form a better appreciation of the provisions of the Bill as to whether they should be merely temporary, or, as was proposed by the Government, of a permanent character. Those provisions would apply to all kinds of circumstances, and bar all free contract from this time forward for ever. He supposed the clause was considered to be penal or *quasi* penal upon the landlord class; and, proceeding on that assumption, he would ask what had the landlords done to deserve that Parliament should legislate against them in that spirit. By some it was alleged that they had not improved their estates as much as they ought to have done; but then, as the right hon. Gentleman at the head of the Government admitted, extraordinary difficulties were placed in their way by the Acts of 1829 and 1848, as well as by the effect of our legislation with respect to Free Trade. He, however, did not take the view of the operation of the clause which he had just mentioned. He was dealing with it rather as it would be likely to affect the tenant, and he contended that under it an incoming tenant would have to pay the sum in which it was proposed to mulct the landlord. When this Bill passed into law what would be the result? There were but too many tenants who would give not only ten, but thirty or forty years' purchase for a holding such as that to which he was referring. By this clause they were really creating an analogous right to the Ulster tenant-right in other parts of Ireland, and it would be a tenant-right that there would be a great deal of difficulty in construing. But tenant-right, instead of being the greatest boon which the tenant could have, was, in his opinion, the complete reverse; and while he and those who agreed with him held such diametrically opposite views to those of the Government, he feared they would never be able to arrive at any satisfactory compromises. He wished to have a distinct intimation from the Government on this point—was the clause intended to compensate the tenant for loss, or was it creating a right of tenancy? In other words, did the 3rd clause give a claim for loss of occupation or did it recognize a right of occupation. Against the scale for loss of occupation he had nothing to say; but he should like to have some more distinct information on the point he had just mentioned. The vice of the position was that false hopes had been raised which the Government themselves found it difficult to satisfy. His object was that they should now say precisely what they meant by "disturbance." Was it a mere vague term, like a great many other terms in the Bill, or did it give a right to any tenant who felt himself aggrieved in any way by his landlord to turn round and say—"You disturb me; I walk out of my farm and I claim seven years' rent as compensation." It was very important that a precise definition of disturbance should be given in the Bill, and he hoped that if the Government would not accept his Amendment on the subject, they would, at all events, introduce terms of their own into the Bill which would be equally precise. If there was a division on this subject he trusted it would not be a party one. He confessed he was greatly disappointed last night not to have received support from independent men opposite who had independent opinions, but not, it seemed, independent votes. He thought he could have relied on the support of some of these independent Members, many of whom had told him that they hated the Bill, and that it was subversive of every political tenet they ever professed. They knew that the power of free contract ought to be the basis of free government; they knew also that the Bill would be swept away by more enlightened legislation, or would remain the curse of Ireland. He turned now to patriotic Irishmen sitting below the Gangway. No one sympathized more warmly with Ireland than he did; but, after Free Trade, this measure in bar of free contract was the most extraordinary Liberal measure ever put before the House. He moved, in page 3, line 1, to leave out "disturbed in his holding by act of the," and insert "evicted by or consequent upon notice to quit from the landlord."

Colonel BARTTELOT said, he agreed that the Amendment before the Committee was a very important one. But he wished to know what would be done in the case of a landlord who gave a lease for thirty, or a less term of years, instead of for thirty-one years? Would the landlord, in that case, be deprived of all the benefit that might accrue to him in the matter of disturbing a tenant if the lease were one for thirty-one years? If a tenant, having held possession for thirty years and then having broken his covenants, as Irish tenants were apt to do, was turned out for bad farming, would he be able to claim compensation according to the scale? The disturbance in that case was not so great as in the case of the yearly tenant, for the tenant of thirty years would have had time to recoup himself for whatever outlay he had made. There certainly ought to be some clear definition of what disturbance meant.

Mr. SYNAN said, he thought the court constituted by this Bill would be the best authority for deciding what "disturbance" was. The effect of the Amendment, if adopted, would be to deprive of compensation a great part of the tenantry of Ireland, and confine the grant of compensation to yearly tenants. As to the case of a thirty years' lease the landlord could give a thirty-one years' lease if he liked, and if he did not do so it was his own fault that he became liable to compensation.

Mr. BRUEN said, he wished to look at this question broadly, and neither from the landlord nor the tenant point of view. The answer to the question "What is the Government of Ireland?" used to be "Larcom and the Police!" Under this Bill, with its very indistinct definition of "disturbance," the Government of Ireland would be the assistant barristers. In order to save these gentlemen from a great deal of difficulty and odium, the Government ought to define clearly what disturbance was; and he should support the principle of the Amendment that "disturbance" of the tenant by the landlord should be limited in some way not now mentioned in the Bill.

Mr. HEADLAM said, he did not admit that words should be inserted in the Bill, the Committee not knowing what they meant, but leaving the meaning to be settled by the court. It appeared to him that the Amendment to the 3rd clause, of which he had given notice, would answer the same object as this Amendment; and as his own words raised the point more clearly, he hoped he should not be precluded from moving his Amendment, which was in the following terms:—

> "Provided always, That nothing in this Act contained shall exonerate a tenant under lease from the duty of giving up peaceable possession of the demised land at the end of the term, nor shall a landlord resuming possession at the termination of a lease be deemed to be disturbing a tenant within the meaning of this Act."

Mr. GLADSTONE said, his chief objection to the Amendment before the Committee was that the definition which it professed to give was no definition at all, but was simply an omission of the word disturbance and the putting of other words in its place. With regard to the word "disturbance," it would be far from desirable to part with it. It was a cardinal word in the Bill, it was repeated in different places, and so far from being a word unknown to the law it was a word perfectly well known to the law. He had before him a legal text-book in which it was said an action would lie for disturbance in the enjoyment of that in which a man had a right or interest—precisely the sense in which it was applied in this Bill. He also objected to the Amendment because it was verbally quite ambiguous, and the sentence carried two completely different meanings according as it was read one way or the other. It might be read "evicted by, or consequent upon notice to quit from, landlord;" or it might be read, "evicted by, or consequent upon, notice to quit from landlord." However, the object of the Amendment was explicitly avowed, and it was to lay down as a principle, which, he was sorry to say, had the approval of his right hon. Friend the Member for Newcastle (Mr. Headlam), that at the termination of a lease or contract for a given period, a notice to quit is not to be deemed a disturbance, however short the period may be; so, in point of fact, while they were to protect tenants from year to year by damages for eviction, a lease for two years was to bar damages for eviction—nay, a lease for a year and a day would do so. He was glad the distinct intention of the Amendment had been made manifest and clear—but it was simply the destruction of the Bill—for Parliament would never dream of passing a measure which would protect tenancies from year to year, and allow agreements for a year and a day to bar a claim for damages.

Mr. HUNT said, he could quite understand that the right hon. Gentleman was anxious to retain the word "disturbance" in the Bill, and he (Mr. Hunt) wished to know whether it was proposed to define it. The damage done by disturbance "in the enjoyment of that in which a man had right or interest" was intelligible; but he could not see the damage done by disturbance where a man had neither right nor interest.

Mr. GLADSTONE said, this was a question which well deserved consideration. After much thought the Government came to the conclusion that it was better to proceed by the definition of the word "tenant"; but it was quite an open question whether a distinct definition of the word "disturbance" should or should not be introduced.

Mr. HEADLAM said, that after the observations which had been made, he must explain the object of his Amendment. If a gentleman took a house for three months, and at the end of that term was called upon to give it up, would that be a grievance? It was clearly the duty of the man to give up peaceable possession of the house at the end of the term for which he took it. But it was proposed that if a man took land in Ireland for a definite term he was not to be bound to give it up at the end of the term. It was a monstrous thing that a landlord should be subjected to pains and penalties if he ventured to take possession of his own land at the conclusion of the term for which the land was let. If a man took house or land for a definite period, he was morally bound to give up either at the end of the term. It might be desirable to make exceptions for short leases; but he should like to have it laid down as a clear and distinct proposition, as applicable in England as in Ireland, that it was the duty of the tenant at the end of his term to give up peaceable possession. He should certainly divide the Committee on this general proposition.

Lord JOHN MANNERS wished to say a word in favour of the common sense and understanding of the Irish people. If the tenantry of Ireland were offered leases for a year and a day, they would refuse them. So the case supposed in reality would not arise. The tendency of Parliament to legislate as if the people of Ireland were a set of the most incapable and helpless savages was to him a matter of regret and astonishment. To say that if the principle of the Amendment of the right hon. Gentleman the Member for Newcastle were assented to, the tenantry of Ireland would be compelled to accept leases for a year and a day, or any such term, was to impose upon the credulity of the Committee.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, it appeared to him there was a considerable difference between the Amendment before the Committee and that of the right hon. and learned Gentleman the Member for Newcastle (Mr. Headlam), and the former was more favourable to the tenant, for the hon. Member (Mr. Corrance) did not see exactly what he was aiming at, and took a more favourable view of the case in his Amendment than he did in his speech. It was proposed to interpret the word disturbance in such a way as to exclude the determination of a tenancy; but that was not the scope and object of the Bill, which was to give compensation on the expiration of leases. The hon. Member, contrary to his intention, sought to confer a boon on the tenant who did not give up possession until the landlord evicted him; and the Amendment of the right hon. Member for Newcastle was not open to the same objection; he clearly intended to exclude the tenant from compensation on the expiration of a lease. The observations of the noble Lord opposite (Lord John Manners) at first sight appeared to be reasonable; but the Committee were dealing with the cases of tenants who held on short terms; there were cases in which men had held land for two, three, or four years, and even one year; and according to the Amendment of the right hon. Gentleman, if a man was disturbed at the end of such a term, he would get no compensation at all. It had been just now stated that the House was asked to legislate for the Irish people as if they fell within a certain category he had rather not name; but the fact was that Irish tenants required legislation different from that required by English tenants. He knew the case of an entire estate in the West of Ireland being held by the tenants under an agreement for a year certain, and the effect was that at the expiration of the year the landlord could come in and turn the tenants out. He himself had been recently engaged in the case as counsel for the landlord. The tenants tried to show that they were not aware they were bound by such an understanding; but stamped agreements to that effect were produced. All he could say was that if the Amendment of the right hon. Member for Newcastle or the Amendment of the hon. Gentleman opposite in the sense meant by him were carried, it would be the death-blow to the Bill, and would prevent the removal of that which was a source of injustice to the Irish people and a grievance of which they justly complained.

DR. BALL said, he wished to enforce upon the Committee the absolute necessity of having a definition of the word "disturbance" inserted in the Bill. By the word "disturbance" he himself should understand an eviction or an ejectment, and he would also understand by it a legal act which, like a notice to quit, terminated the tenancy. Eviction was a wide word. A tenant might be ejected because the title or tenure had expired, or it might be that he might be evicted because there was a contract between him and the landlord that upon his doing certain acts the latter was to re-enter upon the land. He should like clearly to know whether if a tenant, prohibited by his lease from assigning without his landlord's licence, should alienate his lease to another without the landlord's leave, and the landlord should evict him for that reason, this act on the part of the landlord would be deemed a disturbance? By the 8th clause it was provided that ejectment for non-payment of rent should not be deemed disturbance of the tenant by the act of the landlord—

> "Unless the Court decides that it ought on special grounds to be so deemed in the case of a person claiming compensation on the determination of a tenancy existing at the time of the passing of this Act."

It seemed to him that the introduction of the qualifying words in that part of the clause proved that the framer of the Bill was of opinion that ejectment for non-payment of rent would without them be a disturbance. He therefore thought it would be absolutely necessary, in the Interpretation Clause, to introduce some words making the matter clear.

Colonel WILSON-PATTEN said, he would suggest that the definition should be laid upon the table at as early a period as possible, because it might be a material element in considering the various clauses.

Mr. JESSEL said, it was quite true that a man could be disturbed who had broken his contract; but that observation applied to every case provided for by the Bill, for it was material to recollect that a tenant from year to year entered into a compact to give up his farm at the end of six months. The Bill declared that if a lease were in future granted for less than thirty-one years the tenant was not to be turned out without compensation. That principle had been affirmed on the second reading; and that being so, it was inconsistent to bring forward such Amendments as were now before the Committee.

Mr. W. FOWLER said, that if a man made a clear contract it was the duty of Parliament to see that he fulfilled it, and not to pass a law which would tend to make him break it. He believed the difficulty involved in the Bill was, that it applied to all tenants, great and small; and though the change proposed might be reasonable and fair as regards poor men, it was unjust and unreasonable as regards the larger holders of land. He hoped the hon. Gentleman opposite (Mr. Corrance) would not press his Amendment, because the object he sought to attain would be better gained by the Amendment of the right hon. Gentleman the Member for Newcastle (Mr. Headlam).

Mr. GLADSTONE said, he thought it desirable that the questions under consideration should be disentangled. Each in itself was worthy of consideration; but they were wholly distinct, and ought to be considered separately. As to the first—namely, the desirability of introducing a definition of the word "disturbance," that was a point which would be considered in its proper place. The consideration of what acts should be included within a definition of the term disturbance had nothing to do with the present clause, and the question of what would happen to a tenant who assigned without leave from his landlord remained for the Committee to consider at a future stage. Meanwhile, the Amendment of the hon. Gentleman opposite (Mr. Corrance) raised a broad question, which was perfectly intelligible and ought first to be disposed of. What the hon. Gentleman opposite wanted was that compensation should only be given in cases where a tenant had received notice to quit. To that the Government could not consent. He was anxious that the two Amendments should be kept quite distinct; because while the first would be properly considered hereafter, it was on the second the principle would be determined.

Mr. CORRANCE said, he wished to confess frankly that he was no lawyer, and would withdraw the Amendment, which was a simple one, and only verbal; but he had introduced these words in perfect good faith, in order to avoid the possibility of doubt arising. The right hon. Gentleman the First Lord of the Treasury had not properly represented his intention. It was assumed that he wished to destroy the Bill. On the contrary, he wanted to amend it, because he believed it would meet a want felt by 200,000 out of 600,000 tenants of Ireland — namely, those under a £10 rental. He desired to assure to them all that they had a right to claim. He had not proposed to apply the words to leases, because the clause had no reference to them, but only to annual holdings. If, however, the form of words he had suggested was inadequate to carry out his object, or would take him beyond it, he was prepared to accept any better proposal which might be made by the Government. He had received an assurance that the right hon. Member for Newcastle (Mr. Headlam) would take the opinion of the House on the Amendment of which he had given notice, and he would therefore withdraw this Amendment in favour of the one to be brought forward by the right hon. Gentleman.

Amendment, by leave, *withdrawn.*

Mr. W. SHAW said, he proposed, in page 3, line 1, to leave out from "landlord," to "land," in line 35, and insert—

"Such notice of disturbance shall be signed by the landlord, and shall state fully the reason why possession of the holding is sought, and if such reason shall appear to the Judge sufficient and just he shall decree possession, and the tenant shall be entitled to such compensation, to be paid by the landlord, as the Judge may think fair and reasonable. In granting such compensation the Judge shall estimate the injury sustained by the tenant by reason of disturbance in his occupation. He shall estimate the value of reclamation and drainage, and of buildings and improvements, made by the tenant or his predecessor in title, and suitable to the farm, and also of unexhausted manure and tillages."

While he wished to prevent any unjust treatment of the smaller tenants, it was not desirable to extend the number of small holdings by artificial measures. The holders of upwards of fifty or 100 acres constituted the real strength of the country, and they were not properly provided for in the Bill. He quite approved of the regulation by which each case was to be judged on its own merits; but in order that complete justice might be done to the parties it was important that full particulars should be before the Court. He therefore proposed that a notice to quit should state in plain language the reason why the landlord served it. This document could then be referred to on the inquiry, and would afford a valuable guide to the Judge. Good landlords in Ireland seldom ejected their tenants, and for the last ten years the majority of the estates had been well managed. Still there were some foolish landlords—for the most part young gentlemen, who might, perhaps, have met with some hon. Members who had addressed the Committee on this question, and who at any rate had imbibed an idea that a large farm cultivated by poor slaves, worse fed and worse housed than cattle, was the perfection of agriculture. Such persons set to work to evict their tenants as soon as they came into the property. He would give the Judge power to stop proceedings of this kind, without depriving the landlord of his just rights. In fact, he wished to take from these persons the power of committing moral suicide. Those who had advocated the system of large farms in England and Scotland would find out their mistake before long. Experience would show that it was better to have for every farm of 1,000 acres, with but one man deriving benefit from it, ten farms supporting ten families in comfort and respectability. If the Government would act on this suggestion, they might succeed in securing peace and prosperity for Ireland. He had used the word "Judge" because he intended in another Amendment to provide that the cases of compensation should be decided, not by chairmen of quarter sessions, but by Judges of the Landed Estates Court. They could not select a worse tribunal than that proposed in the Bill. It would lead to much confusion, in consequence of the variety of the decisions which would be given by a large number of persons, who were not of the highest standing in their profession, and who were all looking for promotion; and more money would be expended than would suffice to add one or more Judges to the Bench to administer the Act. It might be argued that law should be cheap and convenient; but he differed from that opinion, because the poor Irish farmers were already too much disposed to engage in litigation, and if the proposed arrangement was adopted they would spend half their life in court, and cause the courts of quarter sessions to be taken up with hearing disputes arising under this Bill.

Mr. CHICHESTER FORTESCUE said, he had thought the Amendment would add nothing to the Bill until he heard the hon. Member's proposition to send the cases under the clause before a Judge. To that suggestion, which would make a serious change in the scheme, the Government could not accede. He could not agree in thinking it advisable to make law dear and inconvenient. It would be impracticable, if this measure was to have the effect intended, to have all the trials in Dublin. The tribunal proposed was one well known to the Irish people, and he was convinced that the assistant barristers would settle the questions which arose under the Bill in a satisfactory manner. The directions which the hon. Member proposed to give to the Court would be wholly unnecessary, for of course no just award could be given until the reasons for an eviction had been ascertained. But if directions of any kind were required they would be found in a subsequent clause. He hoped the hon. Member would not ask the Committee to divide on his Amendment.

Sir PATRICK O'BRIEN said, he preferred a tribunal presided over by eminent Judges, as suggested by the hon. Member for Bandon (Mr. W. Shaw), to a tribunal of men of less weight. He would point out the probability of the assistant barristers declining to undertake the additional work which would be imposed upon them by this Bill without higher remuneration. No doubt if those gentlemen received permanent appointments with increased salaries the country would have confidence in the tribunal; but if that was not done there would be a danger of the present efficient chairmen of quarter sessions being succeeded by inferior practitioners unfit to discharge the functions of the office. A statement from the Government as to the constitution of the future Court would be acceptable.

Mr. BRUEN said, he had great confidence in the assistant barristers; but thought they would be glad of such assistance as could be given by two or three of their number constituted into one Court. The plan of sending the cases to Dublin would involve great expense. Several objections might be taken to the wording of the Amendment.

Dr. BREWER said, it was inconvenient to hon. Members, who had Amendments on Clauses 18, 19, 20, and 21, to be compelled at this point to discuss the constitution of the Court.

Mr. G. B. GREGORY said, that if the Amendment was adopted a landlord who failed to state at full length his reasons for wishing to remove a tenant would be unable to recover possession, whatever his legal rights might be. He had always understood that it was sufficient for the landlord to give notice to quit, because he had a right to the land.

Mr. M'CARTHY DOWNING said, he did not intend, in the remarks he proposed to make, to say one word against the clause before the Committee. He simply rose to say that he could not remain silent after hearing the observations which had been made with regard to the gentlemen who were to administer this Act. He wished to testify to their capacity to discharge the duties intrusted to them. Some of the highest law officers in Ireland had been chairmen of quarter sessions.

Colonel CORBETT said, it appeared to him that it would be almost impossible for anyone, however learned, to decide all the controverted questions that might be brought before him if the Amendment was adopted. In the first place, he would be called upon to say whether a landlord had a just right to get rid of his tenant, and when much evidence was brought on both sides the only effect would be to add to the well-known uncertainty of the law. Then, as to compensation, the Judge was to have no guidance; he would have to take conflicting evidence, and he would find it almost impossible, without being assisted by a jury of farmers in the neighbourhood, to say what he ought to allow for drainage, unexhausted manures, and other matters. How in the world would a learned gentleman, who never had any practical acquaintance with agriculture, know how long bone-dust manure or guano would last?

Mr. W. SHAW said, that in consenting to withdraw the Amendment, he wished to disclaim any idea of casting a slur upon assistant barristers.

Amendment, by leave, *withdrawn.*

Mr. CHICHESTER FORTESCUE said, he had now to move the first part of the Amendment of which he had given notice for the Government. The object of the Amendment was to effect entirely that which had been only partially effected by the Bill as it was originally framed—namely, the separation of the question of improvements from that of damages for eviction. In the Bill as it stood now the two important classes of permanent improvements—namely, buildings and reclamation of land—were separated from the scale, and were to have compensation awarded for them distinctly. But, upon further consideration, it appeared to the Government that that kind of overlapping of the two questions which still remained would be inconvenient in practice, would lead to much confusion and difficulty, and, in some cases, to inequitable results contrary to the intentions of the Bill. They admitted, of course, by the Bill that the tenant who had made valuable improvements was to receive compensation for them upon quitting his holding, and above all, under this clause, upon being served with an ejectment on the part of the landlord. But under the clause as it now stood it appeared that a tenant who had made valuable improvements, not consisting of permanent buildings or reclamation of land, might not be sufficiently compensated by the scale, and that remark applied in the strongest manner, and with a strength constantly increasing, as they rose in the grade of tenancies according to the amount of the valuation, and as they descended in the scale with respect to the number of years' rental which formed the maximum compensation for the guidance of the Court. It was evident that when they got into the upper class of tenancies and the larger farms, where the scale greatly diminished, it would be probable, nay, certain, that there would be many tenants who had made valuable improvements other than permanent buildings and reclamation of land, in whose case it would be impossible for the Court to do full justice unless the clause was altered, because it would find itself unable to go beyond two years' rent or three years' rent, which was the maximum of the original scale for farms of the larger size. That would be a result most undesirable, and which no one could wish to see produced by the Bill. Upon full consideration, and in order that no such result could possibly happen, it seemed better to leave the Court free under the scale to deal with the one question of loss in quitting the holding, and to provide that wherever the Court should find improvements of any kind which added to the value of the holding it should be at full liberty to award to the disturbed tenant the value of such improvements. The Government thought that an important improvement in the scale, providing for cases which might not be equitably dealt with as the Bill stood, simplifying the action of the Court, and securing in all cases, especially those of the larger tenancies, with respect to which the scale was very limited and narrow, that full justice should be done to every fair claim. It was on that account that he should move, as the first of a series of Amendments, in page 3, line 1, to leave out from "may if, &c.," to "thereupon," in line 3, both inclusive.

Dr. BALL: As I understand it, this is the commencement of a complete scheme on the part of my right hon. Friend (the Chief Secretary for Ireland) to alter the original plan of this Bill in respect of compensation, and I think it also indicates some intention of interfering with the provisoes which take out of this clause altogether certain kinds of tenure. ["No!"] I shall view the present proposition as part of a series of Amendments, and I say that these Amendments, if the whole series be adopted, do, in altering the phraseology of this clause, alter also its original intention and operation. The mode in which this clause originally proposed to fix the qualification that would entitle the tenant to demand compensation was this — the Court was to have regard to the improvements of his holding made by the tenant or his predecessors in title—other than those improvements in this section specially provided for—and to the loss sustained by him in quitting his holding. And here I must say that I think the phrase "damages for eviction" is not a proper substitute for the wording originally used; and I also think the test of the change you suggest will be by considering whether such words would not be equivalent to those you use in the new Amendments. Now, I say, as originally framed, the sliding scale, which entitled the tenant to claim a maximum of seven years', five years', three years', or two years' rent, was framed not to meet the claim for the mere matter of being deprived of his possession and put out of his holding, but also with a view to a combination of considerations by which the Court was to be affected, and upon which it was to form its judgment; and that combination included improvements on the holding made by the tenant or his predecessors, other than permanent ones—such as buildings and reclamation of land—and also the loss sustained by him in quitting his holding. When I addressed the House on the second reading I stated my opinion that the original words in the Bill did not give damages for eviction simply and solely as eviction; but what it gave was compensation for improvements and inconveniences connected with eviction, but not for eviction itself. It is quite plain that my right hon. Friend felt the force of that criticism; and, being determined to go very much beyond the original language of the Bill, he has put down an Amendment, of which the present is a mere preliminary and a mode of reaching it—and that Amendment is in these terms—not "regard being had to the loss sustained by him in quitting his holding," but "for the loss sustained by him in quitting his holding." The difference is this—that whereas in the original clause the Judge was to give compensation to the tenant for every kind of improvement except those of a permanent kind, and also compensation for interruption in a proper course of husbandry, and for particular inconvenience connected with the act of eviction, now this sliding scale is to be applied by the

Judge to this one single matter of compensation for quitting the holding, or being obliged to quit it. I at once say that is damages for the simple act of eviction. Therefore, the question before the Committee on the present Amendment, which is preliminary to the other, and which is part of the machinery by which the object of the right hon. Gentleman is to be worked out, is this—whether they are prepared to sanction the view of the Government that the mere fact of eviction or deprival of possession, no matter how right it may be, applying to leases as well as tenancies from year to year, is to be subject to compensation, and whether that is to become part of the law of Ireland which you would never venture to propose for England or Scotland—namely, that a Judge is to award, for the mere fact of eviction consequent on the most legitimate termination of tenure, say, on lease for thirty, twenty, or ten years, damages ranging from two to seven years' rent? We ought to assent to compensation for everything that is in the nature of an improvement, and to the removal of everything that is an inconvenience or an injustice, either in connection with a tenant's occupation or his farming, or the rotation of crops, or any interruption generally in the management of his farm. I myself, as far as I am concerned, am willing to concede these points. But what I object to now is, that, discarding the whole of those matters, you seize upon and affirm an abstract principle, which is, that an occupier may demand compensation for the mere fact of the termination of his tenancy, this being, in your opinion, a wrong. I say in your opinion a wrong, for if it is not a wrong, why is the tenant to be compensated? I ask—"Is not that a principle of enormous, of alarming importance?" And if it is a principle that ought to be introduced without qualification, without relation to any circumstances peculiar to the particular position of an individual tenant, and as an abstract principle, to which you give an unhesitating assent, do you imagine that you can confine its operation to Ireland? Sir, I desire to know on what principle it can be said that Scotch tenants are to be treated differently from Irish. Why is a landlord in Scotland to have the right to give to his tenants leases for nineteen years, the tenure covering all compensation for improvements, and then to advertise, as I read in a Scotch newspaper was done by a nobleman of the highest position in that country, for offers for the occupation of those farms, just when the tenancies were about to expire? I desire to know why, if your principle is right abstractedly, you are to confine it to Ireland? Must not this principle ultimately pervade your whole legislation? And although it may be that you ought to surround it with qualifications, I ask why, if it is abstractedly, morally, and justifiably right, it is not, at least, in some degree, to be inserted in your whole code and applied to the relations of landlord and tenant in all your dominions? Sir, this Amendment is pregnant with the most alarming consequences. I see no limit to its application—that is, no limit resting on a valid reason. An arbitary line of exemption is drawn by the Bill at a thirty-one years' lease. But, I ask, is not this unjust to the tenant for thirty-one years, and why is he to be excluded from this provision? If it is wrong towards an individual who has once gained a tenancy to turn him out of his occupation, it is as great a wrong at the end of thirty-one years as at any time. The abstract principle, which by this Amendment you would affirm, is this—"Give me an occupation, and I have a moral right to retain it; you cannot disturb me without giving me compensation." Sir, a thirty-one years' lease is no answer to that abstract principle. The term of thirty-one years is, I understand, selected with reference to ordinary improvements. I have read the evidence given before the Marquess of Clanricarde's Committee and the Committee of the hon. Member for Cork City (Mr. Maguire), and the witnesses, as well as the hon. Gentleman himself, have stated that a lease of thirty-one years is a fair inducement to a tenant to make improvements. I understand that by this Bill a thirty-one years' lease is to put an end to all claims on account of improvements—except buildings and reclamation of land, and it says to a tenant—"For everything you have done in the nature of such improvements, a thirty-one years' lease is a fair bar, because you can have an ample return in that time." But, Sir, I contend that neither a thirty-one years' lease, nor a fifty years' lease, nor a 100 years' lease is any answer whatever to the abstract principle of the Amendment now being moved. It demands that the occupancy of any individual who possesses a holding shall be respected, that he has a moral right to retain it, and that having such moral right you must give him a pecuniary compensation for the invasion of that right by his landlord. This principle is as applicable at any period as it is at the end of one year, and it is equally applicable to the man who pays the rent of £500 per annum as to him who pays only £10. Having regard, then, to its extent of operation, I say that the principle is alarming; I further say it has a tendency, like every other abstract principle, when once affirmed, when once given to the public with the sanction of legislative authority, to propagate itself and spread, and I foresee in such a doctrine, in such a departure from all previous notions on this subject, the introduction of a new principle into morals and into law. Introduced upon this question, it may without difficulty pass gradually into our consideration of other relations of society. Doctrines of similar character can be readily suggested as to the whole relations of rich and poor, of employer and labourer, and of the various classes to each other. When once you introduce the doctrine that there are moral rights of this kind which you can establish, not only independently, but in violation of the original contract, independently of the original relations between the parties, and independently of the law of centuries, what hinders to make an abrupt change substituting for contracted, legislative obligation by the will of the majority at any moment. Therefore, I say that this Amendment alters what is by far the most important principle of the Bill, and I will go further, and say that the Committee have a right to complain that a great principle of this kind should be introduced into the Bill by way of amendment. I say, with every respect to the right hon. Gentleman at the head of the Government, that he laid on the Table of this House a Bill elaborately framed—for everyone who reads this Bill must remark the extraordinary complications of its provisions and the wonderful way in which one clause balances another, and must see that this Bill was thoroughly considered by the Ministry, and was brought here as the result of the collective purpose of the whole Cabinet—and yet now, upon the 3rd clause, which is immeasurably the most important—where we originally had a sliding scale of compensation based upon a consideration of the aggregate result of improvements and inconveniences, we have a new proposition, that seven years' value shall or may be given to a tenant for the loss sustained by him in the mere fact of quitting his holding. That is a proposition large in its immediate results and fertile in future consequences, and it introduces a completely new principle; yet it is quietly placed on the Paper in the name of my right hon. Friend the Chief Secretary for Ireland. I think we have reason to complain; but as we have it here, I hope the Committee will deal with it, and that if they do not accept the Amendment of my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) they will, at all events, force the Government to retain the original words of the clause. I earnestly implore the Committee to oppose the Amendment now sought to be proposed, as it goes far beyond the original plan of the Bill, and beyond what was brought before the country by the various organs of public opinion which have commented upon this measure. Sir, that the Amendment of the right hon. Gentleman is in every respect pregnant with the most serious consequences is, I think, the view that will hereafter be taken of it.

Mr. GLADSTONE: I do not rise, Sir, for the purpose of making, on the present occasion, a full answer to the able declamation, if I may so call it—[*Expressions of dissent*]—I do not use the word in any disrespectful sense, for I am quite incapable of using any word disrespectful to the right hon. and learned Gentleman (Dr. Ball), whose address appealed very much to the feelings, not to say the passions, of his hearers, and in that sense I may so call it—but I will withdraw the word. I do not intend to enter upon either the rhetoric or the argument of the right hon. Gentleman; but I wish to say three things. In the first place, I must entirely deny that the right hon. Gentleman has any reason to complain of the conduct of the Government in proposing this Amendment. He complains of its being a new principle compared with his construction of the Bill. That may be so; but it is not a new principle compared with our construction, and never upon any occasion did we, by either word or act, admit one syllable of the construction which the right hon. Gentleman puts upon the Bill. Surely we are entitled to put our own construction on our own Bill, and surely it is rather too much for the right hon. Gentleman—who has given to it a totally different construction—to contend, when we propose to introduce these words into the Bill, that they are not accordant with its cardinal principle, and to complain of us as if we were guilty of some breach of faith. No one can have failed to observe that the right hon. Gentleman's speech was almost rapturously cheered by the noble Lord the Member for Haddingtonshire (Lord Elcho). I am not referring to it by way of censure; on the contrary, the right hon. Gentleman, in his speech on this occasion, has expressed the very opinions stated by my noble Friend on the second reading of the Bill, when he read the Bill in its plain sense, and applied to it a construction which its authors gave to it, and which has been given by the whole House, with the exception of the right hon. Gentleman. I hope I have not said anything offensive to him, but I must entirely disclaim the notion that we have introduced a new principle into this Bill. We have made an Amendment to which I distinctly referred when speaking on the second reading, when I said that I thought conclusive and sufficient reason had been shown for effecting a more complete separation than we had made by the Bill as it originally stood between the property in improvements — as I wish to call it—and the damage sustained by eviction. Then, Sir, the effect that these enactments will have upon the condition of property and upon the relative rights of rich and poor is a matter which I dare say we shall have to consider when we get a little further into the discussion. But when this House is told of rights, and of rich and poor, let us remember that this House is an assembly in which the poor are not represented — [*Expressions of dissent*] — in which poor men are not contained. This House, having for 600 years had under its charge legislation for Ireland, has, by the manner in which that legislation has been conducted, presented to us the state of things which we now find. I commend that to the reflection of those who will have to enter upon this question; but I wish to make a suggestion to the right hon. Gentleman and to the Committee. It will be most convenient that this Amendment should be passed as being simply a verbal one. It has no connection, so far as I am able to discern, with the substantial changes that we propose in the Bill, for there is nothing in its wording to indicate the nature of the issue, and I believe I am quite correct in saying that, so far as this single Amendment is concerned, its whole object is to clear the Bill of surplusage. The material words proposed to be struck out are these — "may, if not excluded by the provisoes annexed to this section," and if they are struck out you do not require express words in the section to say that the provisoes shall take effect. Then, there are the other words—"or may apply for compensation, and thereupon shall be entitled." We think it is quite enough to say that he shall be entitled, because from those words he derives his right to apply for compensation. I wish to point this out, because the whole question must be raised by the Amendment of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), presuming that he will propose the Amendment. Though at present the words proposed applied to line 3, I believe they would come much more conveniently in line 4. The right hon. Gentleman the Member for Buckinghamshire will propose to confine the giving of compensation to certain things. My right hon. Friend near me (the Chief Secretary for Ireland) will propose that it shall be given to certain other things. It will be impossible for us to make practical progress with these matters during the present debate, and we think the right hon. Gentleman may postpone his address to the House until the discussion is resumed. I think it would be greatly for our convenience to adopt this course, and then we should be able to start fair on Monday with both the proposals I have alluded to. I merely make this suggestion for what I believe will be the convenience of the Committee.

Mr. DISRAELI: Sir, there is much, no doubt, in the suggestion of the right hon. Gentleman at the head of the Government; but I think the Committee will be of opinion that the conclusion at which the right hon. Gentleman has arrived is perfectly inconsistent with the opening address of the Chief Secretary to the Lord Lieutenant. If we could consider this to be a mere technical correction, it would be possible to meet the views of the right hon. Gentleman who has just sat down; but if, as we understood the Chief Secretary to the Lord Lieutenant to intimate, this change is only the preliminary of a much greater one, which involves the whole question and alters the policy of the Government on a most important principle, then I think we cannot concur with the right hon. Gentleman the First Minister of the Crown. I should have thought it impossible for Her Majesty's Government, however great may be their power, to introduce within a quarter of an hour two propositions quite inconsistent with each other. The manner in which the question was opened by the Chief Secretary to the Lord Lieutenant, caused my right hon. and learned Friend the Member for the University of Dublin (Dr. Ball) to take views of the Amendment which, in my opinion, are perfectly just, and I think those views were expressed with forcible eloquence. There are kinds of declamation fitting to a subject and kinds of declamation not fitted to it; but I think that a Member who addresses us on this subject with the authority of my right hon. Friend, was justified in speaking in the tone he adopted when alluding to this great change—for it is a great change—announced by the Chief Secretary in the plan of the Government. If the right hon. Gentleman (Mr. Chichester Fortescue) had introduced the Amendment now before us as a technical alteration, and deprecated any expression of opinion on the principle involved in the Amendment to be proposed hereafter, that would be a different thing; but, having regard to the manner in which the right hon. Gentleman introduced the Amendment, we cannot separate, and my right hon. Friend could not separate, the proposition now before the Committee from the whole scheme of the Government. What is that proposition? It is all very well for the First Minister of the Crown to say that the foundation of my right hon. Friend's appeal to the House is his own idea of what the policy of the Government ought to be, and not what it really is. The right hon. Gentleman says that my right hon. and learned Friend (Dr. Ball) has argued from his own point of view, and not from that on which the Bill was founded. But why have they altered it? If the Bill is in accordance with the policy of the Government, there is no necessity for them to re-construct this particular clause in a manner which entirely changes its character. The right hon. Gentleman cannot deny that this was a clause providing a sliding scale of compensation for distinct considerations, and the most important consideration in that sliding scale was not compensation for eviction. But now the right hon. Gentleman introduces a scale confined entirely to compensation for eviction. It is impossible to contend that this is not a serious change in the principle of the measure. In his speech on the second reading of the Bill, the Judge Advocate General said the 3rd clause contained the principle of the Bill, and that hon. Gentlemen in voting for the second reading would be giving their adhesion to that clause. I objected to the severity of his deduction in that instance; but take him at his word, and what do we find? The whole character of this 3rd clause is changed, and what is the vindication of the First Minister? That in a speech, in declamation probably like the speech of my right hon. Friend, he described the policy of the Government as that which will be embodied in this alteration of the 3rd clause; which clause the Judge Advocate General previously defined as containing the policy of the Government. Of course, it would be vain to think of discussing this question at this hour of the evening; but I must say I entirely agree with my right hon. and learned Friend the Member for the University of Dublin in what he has said as to this most serious change, and I think Gentlemen who sit on this side of the House have a right to complain of such a departure from the policy which the Government led us to believe they had adopted when I recommended those hon. Members to vote for the second reading of the Bill. My suspicions were first excited by the proposal to omit the 16th clause, which freed from certain demands the landlord who made a thirty-one years' lease. That clause was brought forward with much ostentation when the Bill was introduced, as guarding effectually those rights of property which, I trust, are respected equally by both sides of the House; but no sooner is the

Bill read a second time, than, almost in silence, the Chief Secretary puts on the Paper a notice that this clause is to be omitted. I think that step was taken without due consideration and due regard to the implied agreement entered into with the House, especially with this side of the House. And now, with the advantage of Morning Sittings to carry on this Bill, we have, to my mind, arrived at a complete revolution in the measure, and a new scheme is brought forward for our consideration different from that Bill which we agreed to read a second time, with, I believe, an anxious desire to assist the Government to carry a temperate and satisfactory measure. The impression created in our minds when the Bill was introduced has been destroyed. The feeling which animated the House in respect of this Bill has not been, I think, treated in the way it deserved, because next Monday we meet for the consideration of a new Land Bill, involving principles, the successful promulgation of which would be, I believe, most injurious to the public interests.

Sir ROUNDELL PALMER: Sir, I cannot but think it would be very much to be regretted if so important a question of principle as that which has been discussed by my right hon. and learned Friend the Member for the University of Dublin (Dr. Ball) and the right hon. Gentleman who has just sat down, should be decided on a false issue. The words now proposed to be left out are mere surplusage, and it is a mistake to suppose that their omission would introduce the principle or connect itself at all with the great and important matter to which so much reference has been made by the two right hon. Gentlemen. I think that those who might vote on this Amendment for the purpose of expressing an opinion on that principle, would be defeating their own purpose; and I would ask them not to be misled into thinking otherwise, because the Chief Secretary for Ireland, when moving this Amendment, took the opportunity of stating the nature of the alteration which he intended to propose on a future occasion.

Mr. GATHORNE HARDY: If hon. Members vote for the Amendment as a mere technical one, it is to be distinctly understood that we are not shut out from expressing our opinion on the principle referred to by my right hon. Friend when the Amendment of my right hon. Friend the Member for Buckinghamshire comes on for discussion.

Mr. GLADSTONE intimated his assent to this understanding.

Amendment *agreed to.*

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

IRELAND—TRINITY COLLEGE, DUBLIN.

RESOLUTION.

Mr. FAWCETT, in rising to move the Resolution of which he had given notice, said, that it comprehended three subjects which were more or less intimately connected with each other. The first part of the Resolution asked the House to express its approval of the remarkable Memorial lately presented to the Prime Minister by the Provost and other authorities of Trinity College, Dublin, in favour of united or undenominational education. It was almost superfluous to say that the vast majority of English and Scotch Liberals, if they cared for anything, cared for the principle of united education, and he thought that every Irishman, whatever his political opinions, who knew the state of Ireland, must be anxious to see the influence of national education extended, because in its extension lay the great hope of diminishing that religious sectarianism and rancour which had for years past been the bane of Ireland. His Resolution, in the second place, called upon the Government to give practical effect to the prayer of the Memorial with the least delay possible, and to abolish religious tests and disabilities in Trinity College, Dublin. He used the words "with the least delay possible" advisedly, because he did not wish to imply the slightest censure upon the Government for not having introduced a measure on the subject this Session. There was a conclusive precedent against leaving the subject of University education in the hands of private Members, and in favour of the principle that the

Government were bound to assume the responsibility of such a measure. Two deputations last autumn waited upon the Prime Minister from Oxford and Cambridge, to ask him to abolish religious tests in those Universities. The Premier's reply was satisfactory and significant, and bore with peculiar pertinence upon the present Motion. He endorsed the opinion of the deputation that the abolition of religious tests in the Universities ought not to be left in the hands of a private Member, but that the Government were bound to avow a policy, and to carry it into effect as soon as possible. The third portion of his Resolution might not be regarded as important by some; but he thought it necessary to give Roman Catholics, Presbyterians, and others, who were not members of the Protestant Episcopal Church, a pledge that, so far as the authorities of Trinity College, Dublin, were concerned, they were not only anxious to abolish tests, but were willing, under certain reservations, to admit Roman Catholics, Presbyterians, and others to the full privileges enjoyed by those who governed the College. This portion of his Resolution might be thought to be almost superfluous; because, in proposing the abolition of tests in the English Universities, no such demand had been made by members of the Church of England. In some of the Colleges of Oxford and Cambridge the governing body was composed of the senior Fellows, and if they abolished tests tomorow, a Nonconformist or Catholic admitted to a Fellowship, might wait twenty-five or thirty years before he became a member of that body. In the case of Trinity College, Dublin, however, it was felt that the Roman Catholics had a certain grievance, and that they would not believe that they had obtained perfect equality if they had no prospect of joining the Board of the College until after twenty-five or thirty years. He had, therefore, added the last portion of his Resolution as a pledge of the sincerity of the College, and their anxiety to give to Ireland perfect educational equality. Such equality must, however, be given under certain reservations. The College was prepared to resist, with all its force and strength, the introduction of any member upon the governing body of the College by the influence of political nomination or patronage. Political patronage had produced much mischief in England, and they all knew that it had proved the bane of Ireland. Trinity College, Dublin, was one of the few institutions in Ireland which had escaped that blighting and benumbing influence, and he most heartily sympathized with the College in its determination that in future, as in the past, no honour or emolument in the gift of the College should be won otherwise than in the fair and open field of intellectual competition. He might be asked whether it would be possible to carry a scheme which would admit Roman Catholics and Presbyterians, within a reasonable time, to the Board of that College? It was an easier task to the administrative ability of a Cabinet to frame such a scheme than to a private Member; but it was easy to suggest one or two plans. In many of the Colleges of Oxford and Cambridge all the Fellows were members of the governing body; and it might be provided that any member of Trinity College, Dublin, gaining a Fellowship, should obtain a seat in the governing body of that College. If it were objected that this would constitute too numerous a governing body, another plan might, perhaps, be adopted with advantage. The junior Fellows of Trinity College being divided into five classes, one consisting of Fellows and the other four of Professors, arranged according to their standing, it seemed to him that one way out of the difficulty would be to allow each of the five classes to nominate one member to serve upon the governing body. This course would, if adopted, at once admit Catholic Fellows to the full privileges enjoyed by the Board of the College. This he threw out merely as a hint—it being possible that the Government might hit upon a happier scheme—in order to show that the Colleges were sincerely anxious to entertain any scheme which did not involve political patronage, or infringe the cherished principles of open competition. An unworthy imputation had been made out-of-doors, and he scarcely liked to allude to it in the House, that the result of such an arrangement as he had suggested would be that no one except a Protestant Episcopalian would be elected a member of the governing body of the College. Those making such imputation simply reflected their own intolerance and ignorance of fact. There was nothing in the past history of the College to justify it. To every position in the College which had been freed from religious disabilities, men had been chosen entirely independently of their religious opinions. Candidates had been elected to Studentships solely on the ground of their fitness, apart from all political or religious considerations, and he believed that the gentleman who at present so satisfactorily occupied the Chair of Political Economy, founded by the late Archbishop Whately, was a Catholic, his predecessors having all been chosen on the same grounds which had dictated his own election. It was sometimes the fashion to say that Trinity College, Dublin, was a hotbed of intolerance and bigotry; but he should rather say that it had always been in the van of University reform, for, even before the beginning of the present century, it afforded religious and political privileges to Presbyterians and members of other religious denominations, which were not to this hour enjoyed by either Catholics, Presbyterians, or Nonconformists in the Universities of Oxford and Cambridge. Since the beginning of the present century no Catholic had ever been prevented from taking the degree of Master of Arts in the University of Dublin; but no Nonconformist or Catholic could take such a degree at Oxford. Then, again, ever since the Reform Act of 1832 every Catholic in the Dublin University was allowed to enjoy the full privileges attached to the degree of Master of Arts in voting for representatives of the University; but although at Cambridge they had advanced one step further than at Oxford, and had allowed Nonconformists and others to obtain an M.A. degree, yet, at the present moment, no graduate of Oxford or Cambridge, unless he declared himself a *bonâ fide* member of the Church of England, could exercise that suffrage. Further, he might say that in Trinity College, Dublin—and in this he should be corroborated by such Members of the House as had been educated there—no student had ever been placed under any social disparity or disadvantage on account of his religion; but that every care had been taken to respect their religious opinions, and he was sure that Catholic Gentlemen who had been students there would admit that some of the happiest days in their lives had been spent within the College walls. It would be almost superfluous for him to discuss the general principle involved in the Resolution when, the authorities of the College itself having come forward and asked the Prime Minister of a Liberal Government to abolish all the religious tests and disabilities at present existing, they might assume the cause for which they had been so long contending was at length won, and that the Prime Minister had granted that request, and would show the utmost anxiety to extend to Dublin the same measure of justice and liberality he had already pledged himself to extend to Oxford and Cambridge. But the arguments which had formerly been advanced in favour of this Motion had now assumed a new force. There was at one time some force in the argument of a section among Irish Catholics, that as the Universities of Oxford and Cambridge were State Church institutions, there should be a Catholic University for the use of the majority of the Irish people; but the force of this argument had passed, because the present Government had announced their intention to pursue a policy under which Oxford and Cambridge could no longer be regarded in the light to which he had alluded, but would become great national institutions, in which all men could compete on equal terms for the honours and emoluments to be there won. If, therefore, England was to have no denominational University, what could be said in support of a Roman Catholic University in Ireland? The question had been materially altered also by the great measure of last Session which disestablished the State Church in Ireland, and the authorities of Trinity College, Dublin, immediately recognized the change produced in their position by that Act. Those authorities might, perhaps, be taunted with having changed their opinions; but such taunts were dangerous in a House the Members of which, on both sides, had changed their opinions so frequently. Only a few years ago the Ballot was considered a joke; but now it was thought to be a question of so solemn importance that it would be sacrilegious for a private Member to meddle with it; while household suffrage, from being regarded as the watchword of dangerous demagogues, had come to be the rallying cry of Conservatives and Constitutionalists. The authorities of the College had frankly recognized the altered circumstances of the case, and asked for the abolition of religious tests and disabilities, in order, perhaps, to ward off the greater dangers with which they had been threatened. If the Government, which had been called into Office in order to give religious equality to the people, were prepared to carry it out as far as education was concerned, there were three courses open to them. The first of these was, to accept the principle contained in his Resolution, and declare boldly in favour of united and against denominational education, and if they took that course it would meet with the enthusiastic approbation of those who put them in power. The second was to dismember and despoil Trinity College, Dublin, and out of the results to found denominational Colleges. And the third was to ask Parliament for a grant of public money with which to found, endow, and charter a Catholic and a Presbyterian University. He would be a bold Minister who would dare to propose this last scheme—a scheme which would, in his opinion, be as impracticable as the dismemberment of Trinity College would be unjust. If ever a proposal were made to disestablish that College and appropriate the funds to denominational Colleges, he need only say that those whose duty it was to protect that College would find ardent and sincere supporters on his side of the House. But perhaps it might be said that the position of Ireland was different from that of England—that they must consider what the people in that country desired, and that they had proclaimed loudly and emphatically in favour of denominational Colleges. It would be more correct to say that the priests had declared in favour of denominational Colleges. It was indeed a dark cloud that had not its silver lining, and from recent events, painful though they might be, they might at least draw this conclusion, that the Irish priests could no longer speak and act as if they were the people of Ireland. What would be the result of either of the two schemes to which he had alluded—namely, the dismembering of Trinity College with a view to establish denominational Colleges, or the endowment of Catholic and Protestant Colleges out of the public funds? They would not in that way produce educational equality. Trinity College had a distinguished history of three centuries, and they could not create or purchase with money the historic associations of the past. Moreover, they must remember that if they established denominational Colleges they would strike a fatal blow at united education. They would draw away the students now educated at Trinity College and at the Queen's Colleges, and they would be intensifying the very worst evils and misfortunes which now afflicted Ireland. What was the spectacle which Ireland presented? Ireland was now divided against itself by sectarian rancour. What was so likely to stereotype sectarian rancour as separating men in early youth according to their religious creeds? What so likely to diminish it and strike a blow at its fatal influence? As the memorialists to whom he before alluded remarked, there was nothing so potent in that direction as associating young men in the same College hall and at the same commons table, where they learnt to respect the conscientious feelings of each other. Religious differences were peculiarly painful in every country; but it was no exaggeration to say that they had been particularly the misfortune of Ireland. Now, he had good reason to hope that the Government, knowing what the feelings of their strongest supporters were on the subject of united and undenominational education, would cordially accept this Motion. But, in order to prevent all doubt and misapprehension, it was better that he should at once say what he should do supposing they did not accept it. It was always extremely painful to have a request made to which one could not accede. And he was bound to say that if a request were made that he should withdraw this Motion, painful though it might be, it would be absolutely impossible for him, for reasons which he thought the House would consider satisfactory, for one moment to accede to it. Why did he say so? Let him remind the House of the history of this question. Three years ago a Motion similar to this was brought forward, and after an adjourned debate it would be in Mr. Speaker's recollection that he had to give upon it a casting vote. In voting against the Motion he gave reasons which every one at the time must have felt were just, conclusive, and satisfactory. He said he did not vote against the principle of the Motion, but simply in order to give the House another opportunity of expressing its opinion upon it. From peculiar circumstances, that opportunity had never occurred until that evening. In the ensuing Session, when the Motion was again brought forward by manœuvres which were patent to all, and which at the time were said to have been resorted to for the sake of party—many strange things were done for the sake of party, but that seemed one of the strangest—the House was counted out almost before it met, when he believed nearly 200 Members were in the Lobby. Next Session it was impossible for him to bring forward the Motion until quite the close of the Session, when the attendance was so small that it would have been unfair for him to ask the House to express an opinion upon it. Well, he believed that difficulty would not be felt on this occasion. They were resuming the discussion under far happier auspices. He brought forward the Motion not at the request, but, he might be permitted to say, with the entire approbation of the College itself. He sincerely believed, and he trusted his hope was well founded, that his connection with the question would cease from that evening. It had now found far more powerful and influential advocates, and to them, with gratitude and confidence, he should intrust it. His only object had been, in less propitious times than the present, to uphold the cause of united education. A great opportunity was now afforded to Government of extending the influence of undenominational education in Ireland. But should they not avail themselves of the opportunity which was now afforded them? In conclusion, he would only give one promise and one pledge, which was this—that the question should not in future be permitted to rest for the want of a sincere and earnest advocate. He begged to move the Resolution which stood in his name.

Mr. PLUNKET said, he rose to second the Motion, and he did so with the full concurrence of his right hon. Colleague the senior Member for the University (Dr. Ball). So far as he was himself concerned, he had for so short a time had the honour of sitting in the House that he would have preferred still to remain a silent Member; but he thought the House would agree this was not a subject on which he could withhold his opinion. He could at least assure the House that he did not approach the subject in any spirit of party politics. He had been sent there by his constituents pledged to one purpose—with one pledge only—and that was by his vote and voice to repel, as far as in him lay, the aggression of Ultramontane ambition which threatened their University, and to appeal to that House in favour of the great principle of united education in Ireland. These were the two grounds on which, in seconding the Motion, he should ask the House to affirm this Resolution. Their object was, with all respect, with all deference, but firmly and determinedly, to press for a decisive and definite answer from the Government on these questions—how they proposed to deal with the subject of University education as to Trinity College, Dublin? whether they wished to take any notice, and, if any, what notice of the Memorial forwarded to them in the most formal manner by the governing body of that University? He knew his position in the House was, individually, a small one, yet he should speak with all boldness, though, he hoped, not without proper respect, for he felt he was there not only as the representative of a University now nearly 300 years old, but also of a great principle, older far—old as Christianity itself, for it was embedded in the very heart of Christianity. If the House would permit him, he would ask very briefly to review what the University had already done in this matter—showing that what she now proposed to do was no new idea on the part of her governing body, but the proper and just consummation of the policy she had invariably pursued. As hon. Members were aware, it was in Elizabeth's reign that the University was founded. As they might easily suppose, having been founded at the request of the heads of the Reformed Church, then lately established in Ireland, it was founded on a strictly Protestant principle; and even to the present time it continued, to a great extent, a Protestant institution. Passing then over a period of 200 years, they came to the year 1793. That was the next great epoch in the history of the University of Dublin. The House was well aware that, ten years before, in 1783, the Irish Parliament had acquired its independence. That Assembly, with all its defects, had this great merit—that it was forward in the policy of religious liberality; and it signalized the close of its first decade by carrying, in the year 1792, a large measure of Catholic relief. Next year the governing body of the University of Dublin, then composed exclusively of Protestant clergymen, obtained from the English Government permission to admit to her degrees the Roman Catholics of Ireland. He ventured to submit to the House that on that day, when for the first time the gates of Trinity College rolled backward to admit the Roman Catholics of Ireland—on that day, when Trinity College, stepping down from her position of religious exclusiveness, opened her arms to gather in the youth of every class and creed in Ireland, she asserted for herself the claim to be a truly national University, and she inaugurated that policy which he hoped would now find its fulfilment and triumph. He might then skip half-a-century. During that time the ranks of the College were recruited from the Roman Catholics and other Dissenters; for, having been empowered by the Government to admit Roman Catholics, the College itself freely opened its career to the enterprize of Protestant Dissenters. In the interval, from 1793 to 1845, there was a great accession and a continually increasing number of Roman Catholic students, and during that period many of the Roman Catholic gentlemen who now filled the highest official and judicial positions in Ireland obtained their education and their degrees in Trinity College, Dublin. What occurred in 1845? As the House might readily assume, the Scholarships having been founded by old Charters were not open to Roman Catholic ambition. But there was at that time in the University of Dublin a student eminent for his ability—now the junior Member for the county of Tipperary (Mr. Heron)—and much as he differed from the hon. Gentleman, and, he might add, much as he condemned some of his political views, he wished to speak of him with sincere and unfeigned personal respect. That hon. Gentleman presented himself as a candidate at the Scholarship examination, and, having been very distinguished in his answering, was entitled to receive a Scholarship had he been eligible; but was prevented from doing so by the fact that he was a Roman Catholic. The hon. and learned Member for Tipperary appealed to the Visitors of the College; the law, however, was against him, and his appeal was not successful. But there was another fact in connection with this subject to which he wished to call the attention of the House, as showing the actual working and the social influence of a system of mixed education. Roman Catholics and Dissenters were then, as now, far from being in the majority; but this student, who had fought the battle of independence in the University, how was he treated? The next year there was given to him the highest honour that the students among themselves had power to confer—a distinction to which very great consideration attached, and which had also been enjoyed by his right hon. and learned Friend (Dr. Ball). He was appointed to the Auditorship of the Historical Society — a position corresponding in the University of Dublin to the presidency of the Union Societies at Oxford and Cambridge. For that distinction he was indebted solely to the spirit which existed among the students themselves. The attention which these circumstances attracted was followed by the issue of a Royal Commission, and anyone who had read, or might take the trouble to read, the Report of that Commission would admit that it was highly creditable to the University of Dublin. The Royal Commission reported in 1853; and in 1855 the Board of Trinity College, still following out their former policy, of their own accord, spontaneously, out of the funds at their disposal for general University purposes, met the want, and removed the obstacle that had stood in the way of the hon. Gentleman to whom he had alluded. They founded a number of non-foundation Scholarships—that was to say, they set apart from their resources a particular fund to supply the stipend which should be the reward of every Roman Catholic or Dissenter who should answer sufficiently well to entitle himself to a Scholarship; and never since that day had any Roman Catholic or Dissenter who deserved it failed to obtain a Scholarship. So far the course of the University of Dublin had been, he thought, consistent; but there was one other feature to which allusion had been already made by his hon. Friend the Member for Brighton (Mr. Fawcett). In 1858-9 the Board went further, and out of the same funds provided fourteen Studentships, which corresponded to the smaller Fellowships at Oxford and Cambridge, and three or four out of these fourteen had been enjoyed by Roman Catholics. In fact, it was a circumstance so noteworthy that he could not pass it by, that the Roman Catholics and Dissenters who favoured them by joining the University of Dublin, in almost every case had won brilliant distinction. While upon this subject he might mention one matter, small in itself, but still not unimportant, which would probably weigh with the House: there were at this moment waiting outside the portals of the Fellowship examination two or three young gentlemen of eminent talents who had laboured on in the hope that, even before now, opportunities would have been afforded to them, and who, if this measure were passed—the examination not being held till June—would still be able to compete for the distinction and privilege of Fellowship, and at once take a step towards the governing body of the University. In rapidly reviewing the history of the University he trusted he had not delayed the House too long. Some hon. Gentleman might be surprised at his using sometimes the words "Trinity College," and sometimes "the University of Dublin;" but, in point of fact there was but one College in the University of Dublin, and accordingly the two phrases were habitually used as synonymous. The case then stood in this position—every emolument, every honour, and every advantage that it was possible for the Board of Trinity College, without the interference of Parliament, to throw open to Dissenters, in which would be, of course, included the Roman Catholics, had been freely offered to them, and the only remaining prizes were the Fellowships and some few Professorships intimately connected with the foundation. Under these circumstances the University now came before the House, and they asked for the assistance of Parliament in fully carrying out the system to which they had always endeavoured to give effect. He now came to the social conditions and the state of feeling which had been brought about in the University by the system of mixed education which was there pursued. It was not many years since he himself had been a student in the University, and accordingly it was a subject on which he might claim to speak. If it were possible for him to present to the House one general view of the aspect of Ireland, torn by contending factions, and with all the best feelings which should bind up society distorted by religious hatred and internecine feud, and if he could contrast with that dreary picture the one bright spot that still remained in Ireland, the one institution thoroughly unsectarian, thoroughly national, and thoroughly loyal, this would go far, he believed, to advance the Motion for which he was now contending in the favour of the House. It was impossible to bring these considerations fully before them without descending, in some respect, to details; and he hoped the House would bear with him while he explained that in Trinity College the students sat at the same common table, engaged in the same studies, were lectured in the same rooms, and examined in the same halls; they shared the same playground, mingled in the same games, and were equally members of that debating society to which he had alluded, and which, in a country like Ireland, where so much attention was paid to oratory, necessarily occupied a pre-eminent position. When he first had the honour of joining that society its debates were wont to be confined to such stirring topics as "whether Brutus was justified in killing Cæsar." But so happily had the system worked that gradually these limits were relaxed, and the only occasion on which it was necessary to put the more stringent rules in practice was when some enterprizing member of the society proposed for discussion whether the character of the right hon. Gentleman at the head of the Government was worthy of the confidence of the Historical Society. [Mr. GLADSTONE: How did they vote?] The right hon. Gentleman had many warm and sincere admirers; and, on the other hand, in honesty and candour he was bound to say there were many who held an opposite opinion. But the governing body of Trinity College felt it would not be quite safe to let them have it out; and, therefore, he was unable to inform the right hon. Gentleman whether there were upon that occasion more in favour or more who were opposed to the motion of confidence. In connection with this same Historical Society, there was one great occasion in each year when the society held its meeting, and when the many distinguished men who had won their honours first in the society and afterwards in the world attended. Upon such occasions he had enjoyed the pleasure of being upon the platform with many dignitaries of the Roman Catholic Church, who sat side by side with clergymen of what was, till lately, the Established Church in Ireland; of course he did not mean to say that those Roman Catholic dignitaries belonged to the Ultramontane section of the Church. All these were minute details, he confessed; but they truly showed the feeling which prevailed in the University. And he put this question to the House—When young men were thus engaged, when they were not only enjoying the pleasures, but deriving the advantage of mutual intercourse, and laying, moreover, the foundations of future friendships, was it not painful to conjure up the idea of some dark figure, ecclesiastical or secular, entering upon the scene to divide the ranks, to separate boy from boy, man from man, and intimate from intimate, telling them that it was contrary to faith and morals that they should continue to enjoy those things in common? He could well understand how these young men, at such a bidding, would gaze into each other's faces, seeking in vain to discover what great crime they could have committed. The liberty to do this demanded by some persons might be liberty to them; but it was tyranny to all others. Was it not cruel, was it not contrary to every generous feeling that should actuate all men, that when the hearts of these young Irishmen were yearning one to the other, they should be separated by the cold partition of dogmatic theology? Having remarked upon the policy those he spoke for wished to carry out, he begged to say a word or two upon the policy they wished to avert; and, in doing so, he would speak with as much moderation as he could. He was aware that everything falling from a Protestant on this subject would be represented in Ireland as if spoken from a motive of dark hatred toward those who happened to be Roman Catholics; but he protested that it was in no spirit of hostility to them, but, on the contrary, in a spirit of true friendship, that he was about to refer to a dominant section of their body, and he would fail in his duty if he did not speak strongly. An unfortunate impression prevailed in Ireland, more especially among the Protestants, that there was a something at present unrevealed and reserved, to be carried out by a sort of *coup de main*—he might almost say, *coup d'état*—a stroke of educational policy to surprise the world and delight a certain section of the Irish hierarchy. There was a suspicion afloat, indeed—and he said it in no spirit of impertinence—that there had been something like the old league between Faust and Mephistopheles formed between the right hon. Gentleman opposite and a certain most reverend and very eminent Prelate. The right hon. Faust had been playing with great effect and brilliancy behind the footlights, wooing, with what success he knew not, the Irish Marguerite; while the right hon. Gentleman who sat beside him, taking the *rôle* of the old woman, had been performing on his own account, for his own sake, a little flirtation with the most rev. gentleman in red in the background. As for the foundation for this suspicion he could not speak; but certain it was that some such suspicion as might be conveyed by such an illustration, had got abroad; and the institution whose interests and principles were at stake, was entitled to a decisive answer to it. At present those he represented feared the worst; they feared it from the somewhat mysterious and roundabout announcement made last year, on the occasion of a similar Motion to this being brought before the House by the right hon. Gentleman the Chief Secretary for Ireland. The right hon. Gentleman on that occasion said that the plan proposed gave no opening for the attainment of a University degree, except through Colleges constructed on the principle of mixed education—this was the only objection he had to the hon. Gentleman's (Mr. Fawcett's) Motion; which, in other words, meant that he had no objection to the Roman Catholics having a share of the spoil, but that he must on no account infringe on the demesne of denominational education. If this were putting an erroneous construction upon the right hon. Gentleman's words, the right hon. Gentleman would presently have an opportunity of replying to him. Altogether, there had been a feeling abroad, whether arising from former conduct of members of the Administration, whether from speeches made by those "very valuable supporters of the Government"—whom the Solicitor General for Ireland described the other night—in their election addresses through the country, which in some cases had turned out to be not only semi-official, but altogether official—for he believed the right hon. Gentleman at the head of the Government was hardly fully cognizant of what occurred in Ireland—certain it was that these suspicions were abroad, suspicions which it was his duty to lay at once before the House—if unfounded they would vanish into air by six words of contradiction — but suspicions which, if well founded, proved the Ministry to be sailing under false colours. The Government were adopting, in the management of these Irish questions, the old expedient of the Horatii and the Curatii. They proposed to take these matters in detail—first the Church, then the land, and afterwards, when all was quiet, would come the Education Bill. If that were the policy of the Government it was an unworthy policy. The Ministry could not ride on the two horses any longer; it could not continue with one foot on the extreme Liberals, altogether pledged to the undenominational system, the mixed system of education, and the other upon the "very valuable support" of the Ultramontanes. He wished to speak with moderation as to the Roman Catholic policy, and to say as little as he could which was injurious to the character of the Roman Catholic hierarchy; but to show the real character of their views he would, with the permission of the House, read one or two extracts from the correspondence between Sir George Grey and the Roman Catholic Prelates of Ireland in 1866. A paragraph on page 8, in a Memorial signed by these Prelates, concluded as follows:—

> "While expressing these feelings we deem it our duty again to declare emphatically our condemnation of the system of united academical education on which the Queen's Colleges are founded, and which, in accordance with the repeated declarations of our Church, we hold to be intrinsically dangerous to the faith and morals of Catholics."

Again, on page 9—

> "That the University founded by the Roman Catholic Bishops will be chartered as a College within the new University, in such a manner as to leave the department of teaching Catholics altogether in the hands of Catholics, and under the control of their Bishops, its founders."

Then there were to be a certain number of laymen—five or eight, he thought—in this congregation. Strange transformation! The eight laymen had been altogether absorbed, no one knew how. Then in the provisions of their charter, which the Roman Catholic Prelates had put forward as a *sine quâ non*, occurred these passages—

> "That whenever a vacancy shall occur in the office of life governor, the *ex-officio* governors shall by writing nominate such other person as to them shall seem meet to be a governor for life."
>
> "That the governors for the time being shall have full power, from time to time, to appoint, and, as they shall see occasion, to remove, as well the rector, vice-rector, the professors, and other members of the faculties, the tutors and masters, as also the secretary, and all officers, agents, and servants of the said College."
>
> "That the tests of knowledge be applied in such manner as to avoid the appearance of connecting, even by the identity of name, those who avail themselves of them, or co-operate in applying them, with a system which their religion condemns."
>
> "That the Queen's Colleges be re-arranged on the principles of the denominational system of education."

Now, he asked whether that was what the present Government was prepared to submit to their supporters sitting behind them—that the Queen's Colleges be arranged upon a principle of denominational education! But as that was their opinion in 1866, let them see whether they had much changed since. The latest correspondence was dated 1867 and 1868. He denied that he was bringing forward this matter from any party spirit; as he had promised his constituency so he pledged himself to the House that the Government which opposed the system he had just described would have his support, and he would oppose any Ministry in favour of it. He might, therefore, at least claim independence upon this subject. Well, in 1868 Dr. Leahy and Dr. Derry, writing to Lord Mayo, said—

> "It is our duty to state, for the information of Her Majesty's Government, that the safety of faith and morals in the University can only be secured by recognizing in the Bishops, as members of the Senate, the right, which as Bishops they possess, and which all Catholics must acknowledge them to possess, of pronouncing authoritatively on matters of faith and morals. That right belongs to them, and to them alone, as compared with laymen, and even ecclesiastics of the second order. According to the doctrine and discipline of the Catholic Church, it is not competent for laymen, not even for clergymen of the second order, however learned, to judge authoritatively of faith and morality. That is the exclu-

sive province of Bishops. As faith and morality may be injuriously affected either by the heterodox teaching of professors, lecturers, or other officers, or by their bad moral example, or by the introduction of bad books into the University programme, the very least power that could be claimed for the Bishops on the Senate, with a view to the counteraction of such evils, would be that of an absolute negative on such books, and on the first nomination of professors, &c." (it would have been shorter to say *Index Expurgatorius*), "as well as on their continuing to hold their offices after having been judged by the Bishops on the Senate to have grievously offended against faith or morals. It will be observed that the power here claimed relates solely to matters intimately connected with morality and doctrine."

The establishment of such a system would be equivalent to instituting a lay Maynooth with an ecclesiastical government. It might possibly be objected against his argument that if that system were as bad as he made it out to be, the Roman Catholic laity themselves would have called out against it; and he supposed, from a Paper that had been laid upon their Table that morning, that this would be the line of defence adopted by those who thought differently from himself upon this matter. Upon this point he had to say that the reason that the Roman Catholic laity had not protested against this system was the very simple one that they could not—dared not protest against it. He had not the document to which he referred with him; but its nature was of so singular a character that it had thoroughly impressed itself upon his memory, it being about the most curious illusion ever attempted to be passed off upon the Members of the House of Commons. He had stated that the Roman Catholic laity had not protested against this system. He knew many of the Roman Catholic laity when he lived in the Dublin University, and he had spoken to them afterwards on the subject, when they said to him—"You Protestants must save us from this system." [*Murmurs of dissent.*] There were witnesses to the accuracy of that statement then present in the House. [*Cries of* "Name, name!"] One of their names was attached to the document to which he referred. [*Cries of* "Name, name!"] Name him; that was a modest request indeed—to do so would be to put him within the power of a moral inquisition. He would tell the House how these things were managed in Ireland, although anyone who read the Irish newspapers or read the blue books relating to Irish Election Petitions, could easily form an opinion upon the matter for himself. It was only the other day that the Report of the Sligo Commissioners was presented to hon. Members, from which it appeared that the Roman Catholic Bishop of the diocese had been guilty of spiritual intimidation. He would rather not quote the language to the use of which that right rev. Prelate had himself confessed before the Commission; but it was to be found in the Report to which he had referred. In support of his allegation that the Roman Catholic laity of Ireland dare not protest against this system he would refer, in the first place, to the position of the great majority of the poor struggling classes in Ireland. They were, at the present moment, in the height of the religious and political excitement caused by the action of the great changes that were made last Session, and which had convulsed Irish society, and therefore they went with their Prelates in everything. He should, however, like to know what opinion they were capable of forming upon the question of University education. The shopkeepers, again, were dependent upon the people below them, and naturally partook of their sentiments. But, beyond that, in every corner of Irish society was to be found a reverend policeman on the watch, and it must be admitted that this portion of the Irish police was admirably organized. The House being probably aware that there was no large middle class of the Roman Catholic laity in Ireland, and knowing how high religious feeling, political feeling, and sectarian feeling ran in that country, and remembering what a struggle it was for a man to hold his head above water in any of the professions, they might judge of what importance it must be for him to keep on good terms with the ecclesiastical authorities of the Roman Catholic Church. He would now ask the attention of the House to a copy of a declaration of the Roman Catholic laity in Ireland on the subject of University education in the country, which had lately been laid before the Prime Minister, and to which he (Mr. Plunket) had referred. When he first got it it struck him as a very formidable document in favour of denominational education; but having glanced over the names attached to the document, he was surprised to find that many of them were those of very intimate Roman Catholic friends of his, some of whom he knew to be strongly opposed to the denominational system of education. In the first place, he would read the declaration, and then he would ask the House whether it was a declaration really in favour of denominational education. It ran thus—

> "We, the undersigned, Roman Catholic laymen, deem it our duty to express as follows our opinions on University education in Ireland:—1. That it is the constitutional right of all British subjects to adopt whatever system of Collegiate or University education they prefer."

That was a principle he at once assented to; but it was quite another thing to ask the State to found an educational establishment, no matter how adverse in principles to the religion of the State, or how ruinous it might be in practice. This first part of the declaration was by far the most formidable sentence in the whole of the document; but he agreed with it. The second paragraph stated—

> "That perfect religious equality involves equality in all educational advantages afforded by the State."

And, therefore, he called upon the right hon. Gentleman further to open the endowments of Trinity College to the Roman Catholics of Ireland. With that general proposition also he entirely concurred. The third sentence set forth—

> "That a large number of Irishmen are at present precluded from the enjoyment of University education, honours, and emoluments, on account of conscientious religious opinions regarding the existing systems of education."

To that also he could have signed his name with the most perfect propriety and good faith. Fourthly, and lastly, the document which he now almost thought must have been prepared with the view of supporting the Motion of the hon. Member for Brighton, went on to declare—

> "That we, therefore, demand such a change in the system of Collegiate and University education as will place those who entertain these conscientious objections on a footing of equality with the rest of their fellow-countrymen as regards Colleges, University honours and emoluments, University examinations, government, and representation."

That was exactly what he asked should be done. There was more meaning in the document than there appeared at first sight. The names attached to it had been collected from every part, even the most remote, of the country, and no pains had been spared in getting it up. In fact, the persons engaged in this movement did not spare any labour in such a matter; they worked with energy, with unswerving purpose, and with untiring ambition, under which all that could be performed was accomplished. That document had been put forward as an evidence of the support given by the Roman Catholic laity to a denominational system; but he held that its failure proved the opposite. Not wishing himself to comment severely upon individuals, he would, with the permission of the House, read two short extracts from the speeches of right hon. Gentlemen, one of which he thought would have weight with, at all events, one Member of the present Administration. He would first read an extract from a speech delivered in that House on the 12th of March, 1868, which was as follows:—

> "Every person was aware that the Catholic University was founded by command of the Pope avowedly and ostentatiously for the destruction of the Queen's Colleges. It was a declaration of war against the liberal and national system, by which the wisest Ministers and most popular Parliaments had endeavoured to identify the material improvement of Ireland with its mental and moral growth. It was in direct and avowed hostility to that system that this Catholic University was founded for the propagation of Ultramontane doctrines in politics and religion. . . . The Queen's Colleges were established at the request of the Roman Catholic laity, and supported by the Catholic Prelates, until Cardinal Cullen, expressly sent to Ireland for the purpose of initiating the Ultramontane rule, obtained in Synod of Thurles a majority of one against them."

That extract, he need scarcely say, was from the speech of the right hon. Member for Liskeard (Mr. Horsman). He would now venture to read an extract from another speech delivered in that House, which was as follows:—

> "The idea that we are now at this time to set to work to establish a sectarian University is one which, in my opinion, is utterly unworthy of 'a truly Liberal Government.' I cannot understand such a proposal. There is a Roman Catholic University in Ireland already established by Papal rescript, issued in conformity with the resolution of the Synod of Thurles. . . . . . The University was set up to counteract the mixed system of education. It has a very large endowment fund, amounting, as I have heard, to £120,000, though everything about it is very obscure. . . . . . I believe it impossible for the

> enemies of Ireland to devise a more objectionable scheme, one which, far from healing the wounds of that country, would be more likely to cause additional mischief. We should not be making concession to the Roman Catholic population, but to the Roman Catholic hierarchy—an Ultramontane hierarchy—a hierarchy that has an electioneering influence, and it is that influence which you are seeking to buy, by sacrificing the Roman Catholic laity. The Roman Catholic laity in Ireland are entitled to the sympathy and protection of this House, and believe me they want it. These are not the times of Dr. Crolly and Dr. Murray; you have to deal now with the Ultramontane priesthood in Ireland."

Those words also were spoken on the 12th of March, 1868. The genuine ring and cutting sarcasm of that passage were sufficient to prove that it came from the right hon. Gentleman the present Chancellor of the Exchequer. He hoped, therefore, that certain of the Prime Minister's supporters below the Gangway, when they rose to speak in that debate, would not pour all the vials of their wrath on his devoted head, and say he was a bigoted Protestant and a Tory champion; but would keep a little of their indignation for the right hon. Gentlemen from whose speeches he had just quoted. He thanked the House for the patience and attention with which they had heard him. He apologized if he had spoken with too much warmth; but he came from a country where they were accustomed to think and speak warmly, and he submitted to the House it was better that they should speak as they thought. To his mind this was the most solemn question now affecting his unhappy country. It was a question, the decision of which would affect Ireland, not only for their time, but for ever—a question which could not be confined to the University of Dublin, but would spread itself over the whole of Ireland. It was the question whether they were to govern Ireland through the instrumentality of the Ultramontane hierarchy; it was the question whether the Government were to buy the votes of that hierarchy at the hustings by offering them measures which they hesitated to produce in this House; whether they were to buy in the dearest and sell in the cheapest market the honour, the dignity, and the safety of the Empire. That was the question which was now placed in one of its aspects before the House. That night they stood on the threshold of a new policy for Ireland. Hitherto, their policy had been in the direction of throwing down an old ascendancy. What were they now about to do? Were they going to build up a new and more deadly ascendancy? He had listened the other night to the speech of the right hon. Gentleman opposite (the First Lord of the Treasury) when, at the close of the debate on the second reading of the Irish Land Bill, he astonished and delighted the House with a burst of eloquence such as he (Mr. Plunket) never before had the pleasure of hearing. He had listened—as every friend of freedom, of justice, and of eloquence must have listened—to that great peroration, in which simple grandeur was mingled with the most perfect melody. If the House would permit him, not in a spirit of individual presumption, but as, for the moment, the ambassador of an old institution, and the representative of a great principle, to borrow some of the right hon. Gentleman's words, struck out from the mint of his genius, and such as he (Mr. Plunket) could never coin, though they admirably suited his purpose, he would ask him to pause ere he took the fatal step, if he intended to take it. He would ask him to recollect what had been the course of English legislation towards Ireland in this century; what it had attempted, what it had done; aye, and what it had sacrificed. They had repealed the Penal Laws. He cordially went along with them in their condemnation. They had won the battle of Catholic Emancipation. He, standing in that House, might speak of that struggle with peculiar pride. They had carried out their policy to its last, its awful, its crucial test—they had struck down an old institution which had driven its roots deep in the constitution and ramified them through every part of the country; and after sacrificing all that, and shaking not Irish society only, but English society also to its centre—after having done, and dared, and sacrificed so much in order to abolish an old ascendancy were they now about to proceed to establish a new and more odious ascendancy? He implored the right hon. Gentleman to consider the consequences of the policy which he might adopt on this occasion. Was he prepared to raise the flag of resistance on this question?—the flag of Ultramontane domination? Would he hold up that signal to the great Liberal party of England and call upon them to follow him? Would they follow such a disastrous leadership? He (Mr. Plunket) trusted they would not. The authorities of the University of Dublin had done all they could in the matter. They offered their emoluments, their honours, everything at their command, to assist in the great work. They proposed to admit Roman Catholics to the governing body. Having admitted that principle, everything else was matter of detail. If the Government would undertake such a measure, the authorities of the University were prepared to meet them half way. If they would grant the principle, his senior Colleague (Dr. Ball) would bring in a Bill to settle all matters of detail. But let the right hon. Gentleman announce his policy, and let them know what they were to hope or what to fear Let the principle of mixed education in Ireland be accepted by the Government and the House. Having said so much, he should not trespass further on the time of the House, but would say that they rested their cause, with the utmost confidence, on the wisdom, the independence, the justice, and the honour of the Imperial Parliament.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House regards with satisfaction the Memorial lately presented to the Prime Minister by the Provost, Professors, Tutors, and other authorities of Trinity College, Dublin, in favour of united or undenominational academical education in Ireland, and this House is of opinion that it is highly expedient that the Government should, with the least delay possible, give effect to the prayer of this Memorial by introducing a measure which would not only free the Fellowships, Scholarships, and other emoluments and honours of Trinity College, Dublin, from all religious disabilities, but which would further provide that those who are not members of the Established Church might, within a reasonable time, obtain an adequate influence in the government of the College,"—(*Mr. Fawcett,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE O'CONOR DON congratulated the hon. and learned Member for the University of Dublin (Mr. Plunket) on having made so successful a commencement in that House, and on the promise he gave of upholding the fame of the great name he bore. He submitted, however, that the question of University education in Ireland was too large and important to be decided on an abstract Resolution proposed by a private Member. It was a question which should be dealt with by a responsible Minister of the Crown. Before coming to the main principle involved in the Motion, he wished to point out that technically the wording of the Resolution of the Member for Brighton was erroneous; because, in point of fact, no Memorial had been "presented to the Prime Minister by the Provost, Professors, Tutors, and other authorities of Trinity College, Dublin;" and, therefore, the House could not correctly express satisfaction at the issue of a Memorial which had no existence, nor could it call on the Government to give ear to a prayer which had never been made. But he was not going to oppose the Resolution on this technical objection. Of course, he knew that the hon. Member for Brighton intended to refer to the declaration lately put forward by certain gentlemen connected with Trinity College, and that it was with regard to that declaration the House was asked to express satisfaction. He held that the House ought not to express this satisfaction without knowing the antecedent declarations of the gentlemen who signed that document. The House had been told by the hon. and learned Member for the University of Dublin that those gentlemen were not proposing anything new—that they were acting in accordance with a policy long ago adopted by the governing body of the institution they represented. The declaration lately presented, for the sentiments of which the hon. Gentleman asked approval, stated, that for the last three quarters of a century Trinity College had consistently acted on a certain principle. And it went on to say that Trinity College had recently expressed its willingness to concur in carrying out more thoroughly that policy by the entire abolition of religious tests. On this the hon. Gentleman based his Resolution. He called on the House to express satisfaction at this declaration, and to carry out the proposal contained in it, which he stated to be the same proposal he made two years ago, and which was then declared to be by these same gentlemen of Trinity College, a proposal for the establishment of—

> "A new and untried system, which would tend largely to diminish the number of persons who would otherwise avail themselves of the advantages afforded by Trinity College, as a place of education, and a change which would be calculated to interrupt the progress of the University, and mar the benefits which it had hitherto conferred on Ireland."

Furthermore, at the same time, two years ago, these same learned gentlemen and thousands of the graduates of Trinity College declared by Petitions to this House. That—

> "Trinity College was founded in Dublin by Queen Elizabeth in 1590, for the promotion of University education in Ireland, based on the principles of the Protestant religion; that for three centuries it had faithfully fulfilled the trust imposed in it; and that it had in consequence enjoyed the confidence of the Protestant people of Ireland; and they prayed that the Protestant constitution of the University might be preserved unimpaired, and the Protestant people of Ireland might retain the privileges that for 300 years they had enjoyed without interruption."

He asked were not the sentiments expressed in these Petitions and the present declaration utterly inconsistent? It had been said that times had changed, and that in the present state of affairs, these learned Professors of Trinity College had a perfect right to change their opinions, and to advocate now, what heretofore they had deprecated. He was not going to deny them this right. Change of opinion was not so unusual in this age and in this country that a proof of it was self-condemnation, and it was as much open to these gentlemen as to others. But had they changed their opinions? Did they so state in their declaration? That was the point? Did they say they were now ready to give up the old system for a "new and untried one?" Did they admit that the purpose for which Trinity College was founded, and the trust to which for so many centuries it had been faithful, and through which it had gained the confidence of the Protestant people of Ireland, was to be abandoned? If they did they might be taunted with inconsistency; they might be accused of fickleness in the advocacy or abandonment of great principles, and thereby their authority might be weakened. But the retort would be open to them to say that times and circumstances had altered—that the disestablishment of the Irish Church and other changes looming in the distance were sufficient grounds for a change of opinion. However much this might be argued upon by the hon. and learned Gentleman the representative of Trinity College, it was not put forward in the declaration before the House. In that declaration there was no such statement of a change of opinion. These learned Gentlemen ask the House to carry out no new policy; they recommend no new and untried system; but, on the contrary, declare their readiness to pursue more thoroughly the policy upon which the College has consistently acted for three quarters of a century. He asked how was that policy to be ascertained, except by the statement made regarding it only two years ago, by those best acquainted with it, unless, indeed, there had been not only a change of opinion, but also a misstatement of facts. Was the House to be told that the Professors, Fellows, and Scholars, of Trinity College had not only changed their opinions, which they had a perfect right to do, but that that which they stated in 1868 was wrong? Did they mean to say that what they declared in 1868 was a new and untried system, wholly incompatible with the progress of the University, was, in 1870, a more thorough carrying out of the policy pursued by the same University for the last three quarters of a century? Did they mean to say that the purpose for which the College was founded, and the trust to which for 300 years it had been faithful was not only to be abandoned, but that this abandonment was the natural consequence of the policy of the College itself? If this were the case he held that still less did this declaration merit the approval of the House. It bore on its face the stamp of dishonesty. It was not an honest, manly expression of a change of opinion; it was not an admittal of an error in the past and a candid statement that under the altered circumstances of Ireland those gentlemen were ready to sacrifice all those principles which heretofore they regarded sacred, or to abandon those rights which formerly they considered essential. It was not an expression of a desire to be placed once and for all, and immediately on a footing of equality with their fellow-countrymen; but it was rather an attempt of men—who perceive they cannot preserve all the benefits of their exclusive privileges—to retain as much and as many of them as they can. For these reasons he contended that the declaration was not one of which the House should by Resolution express its approval. The present declaration was not straightforward; but was a dishonest attempt to retain privileges by a nominal abandonment of principle. He now came to the object of the Motion of the hon. Member for Brighton. The object of that Motion beyond all doubt was to settle the principle on which University education in Ireland was to be carried on. If the proposal were merely one to enable the members of a particular Church to open their University to whomsoever they pleased he could have no objection to it; but as it dealt with what ought to be a national University and which possessed enormous public endowments, he contended that the House should not agree to the Resolution. The hon. Member for Brighton, to whom he gave credit for the utmost sincerity, in order to establish equality between all religious denominations in the University had made the generous offer to allow the junior Fellows to elect some of themselves to represent them on the governing body of the University, but it was a mockery to make that offer as a settlement to the Catholics of Ireland. All the Fellows, senior and junior, were now Protestants, and were the Catholics to be told that equality would be established in their regard by allowing them —first, the chance of obtaining a junior Fellowship; and, secondly, having obtained it, the chance of being elected to represent the junior Fellows on the governing body of the University? They could not accept such a proposal. The Roman Catholics had always admitted that, as a Protestant institution, Trinity College was as liberal as it was possible to be, and they had never accused the governing body of being exclusive or bigoted. The hon. and learned Gentleman might, therefore, have refrained from making the observations he had done with regard to his (The O'Conor Don's) co-religionists. He repudiated the assertion that the Roman Catholic laity of Ireland were in a degraded condition, and had so little freedom of action that they were obliged to apply to the hon. and learned Gentleman for protection.

MR. PLUNKET explained that he only referred to one or two gentlemen who had spoken to him on the subject.

THE O'CONOR DON said, the hon. and learned Gentleman had not said that those one or two persons were exceptions; but he wished the House to come to the conclusion that all the Catholics of Ireland were under the degraded despotism of a tyrannical priesthood. It was impossible for them to remain under such an imputation; and he was astonished that the hon. and learned Gentleman had made it, having in his hand at the time a declaration signed by all the Catholic aristocracy of Ireland. The third paragraph of that document, quoted by the hon. and learned Gentleman, stated that a large number of Irishmen were at present precluded from enjoying the advantages of University education, its honours and emoluments, on account of their conscientious religious opinions; but how would the Motion of the hon. Member for Brighton meet the requirements of those persons? If the conscientious religious opinions of Roman Catholics would allow them to go to a mixed University, the present Queen's Colleges and Queen's University were already open to them, and the Motion of the hon. Member for Brighton would only add to the existing three Queen's Colleges a fourth. Therefore, if it was true that at present a large number of Irish Roman Catholics were precluded from enjoying the advantages of University education on account of their religious opinions, the same state of things would equally continue to exist after the Motion before the House was carried. The declaration emanating from the most influential Roman Catholic laymen in Ireland was, therefore, not in favour of the Resolution, as stated by the hon. and learned Member, but was a distinct repudiation of it considered as a settlement of the University education question of Ireland. If the conscientious objections of the Roman Catholics to mixed Colleges were admitted to exist, how could religious equality be established in regard to University education by adding to the number of the mixed Colleges and Universities? He did not now enter into the very large question of how religious equality in that matter might be established, he only wished to show that it could not be established by the abstract Resolution before the House; and while heartily joining in the desire that religious feuds and animosities among his fellow-countrymen of all classes and all denominations might cease, he must say the proposal of the hon. Member for Brighton was not one that could produce the harmonious and cordial feeling which its advocates desired, or one that could, under any circumstances, be satisfactory to the Roman Catholic people of Ireland.

MR. GLADSTONE: Mr. Speaker—I hope it will not be thought, Sir, that I am intruding unduly upon the House in rising to address it at this stage of the debate. I should have thought it my duty—as I should have thought it the course most consistent with the tenour of the remarks I intend to offer—if I had followed immediately the speech of the hon. and learned Gentleman who seconded the Motion (Mr. Plunket); but I felt that, considering the nature of some of the observations contained in that speech, fairness demanded that some hon. Gentleman representing the feeling of the Roman Catholic Communion should have an immediate opportunity of addressing the House. Sir, that having taken place, my first and also my most agreeable duty is that of joining with my hon. Friend the Member for Roscommon (The O'Conor Don) in offering my sincere congratulations to the hon. and learned Gentleman the junior Member for the University of Dublin upon the commencement of his Parliamentary career. Apart, Sir, from every question of difference of opinion, I heartily rejoice to find that in the line of those whose name he bears, the qualities of an orator are transmitted by descent. And although I heard naturally, perhaps, the speech of the hon. and learned Gentleman with mixed feelings, fluctuating according to the tenour of his remarks, yet there was much in that speech which I hailed with the utmost cordiality. I must observe, Sir, that it caused me to remember the words of the poet about "the large discourse which looks before and after." My mind went back to the legislation of last year, and I could not but reflect that the speech delivered by the hon. and learned Gentleman, and the opinions embodied in the Motion which he sought to support, were among the first fruits of that legislation. But further, Sir, I looked forward, and bethought me that in the course it may be of a couple of months hence—in the course of the present Session—we are to be engaged in discussing the subject of University tests for England; and I will remind the hon. and learned Member and assure him that much of the speech he has delivered to-night will be found to have supplied materials for use in the debates which may then ensue. It is not for me to ask with what sentiments the Members for the University of Oxford—one of the Members for the University of Cambridge (Mr. Walpole) is now unhappily absent—with what sentiments the Members for the University of Oxford listened to that speech, and considered its bearing on the cause of which they have been the advocates. Suffice it to say that I have not a doubt—without attempting any offensive inquisition into their feelings—that on that question, as on every other, they will take the course which honour and conscience may seem to them to demand. But, Sir, the University of Dublin itself has certainly by this declaration given hostages to Fortune. The opinions it has recorded, the pledges it has given, whether this be the proper time for acting upon them, or whether it be not, are opinions and pledges that are now as though they were written upon the rock with a pen of iron, and the redemption of those pledges, in substance and in spirit, will undoubtedly be expected at no distant day. Well, Sir, I confess that I heard with great delight what the hon. and learned Member said of the history of the University of Dublin, and I also listened with great pleasure to his retrospect of his own practical experience of united education. Amidst the darkness of the past history of Ireland, I do think it is fair to admit that for a couple of generations, relatively and comparatively at least—and all our judgments of men and of bodies, if they are to be fair, must be relative and comparative—the conduct of the University of Dublin since the epoch to which he referred has done high honour to that learned body. But, Sir, pleasant as it was to hear the hon. and learned Gentleman detail his own experience of united education, I must confess that my satisfaction was somewhat qualified when I heard him proceed to describe as marked by "craft"—for that was the word he used—the declaration signed by, I think, thirty-six Members of this House, and by a great number of other persons connected with the Roman Catholic Communion in Ireland; and it did appear to me, considering what the hon. and learned Gentleman is, that there is still much to be done before peace can have her perfect work in that country. One of the questions which we are to ask ourselves to-night is, how far the course which the hon. Member for Brighton invites us now to take on this particular question is likely to promote the work of peace. But I shall come to that by-and-by. The hon. and learned Gentleman the Member for the University of Dublin descanted largely upon the apprehensions he entertained of Ultramontane opinions. As far as these apprehensions are of a general character it is not necessary for me to make any observations upon them. It would be even impertinent for me to state how far I sympathize with the hon. and learned Gentleman. But as far as his remarks are connected with the supposed conduct of the Government, it is my duty to refer to them, and I shall do so explicitly. The hon. and learned Gentleman said there is much apprehension as to what the Government are about to do, and there was a red figure and other figures brought upon the scene, and he gave us an extremely clever description—as everything must be clever that comes from the hon. and learned Gentleman—which was intended to convey a lively image of the nature of those fears. Then, having in this manner given solidity to terror, the hon. and learned Gentleman wound himself up to a height of fervour, and in terms, which almost convinced me of the reality of what I knew to be a chimera, he invited and conjured the Government to pause before they should create an Ultramontane ascendancy, or rear up any power whatever to take the place of that power which they have cast down. Now, the first question I want to have answered is this—what ground has the hon. and learned Gentleman for imputing to the Government such an intention? What act have we done, what word have we spoken, which, in the slightest degree, warrants what he has said? What is the evidence that the hon. and learned Gentleman has given? Why, he says there are apprehensions among the Protestants of Ireland. Well, Sir, as long as I have been alive and in a political sphere, there have been apprehensions among the Protestants of Ireland. [*Cheers and counter-cheers.*] I entirely agree with hon. Gentlemen on that point—nay, I will refresh your memory on the subject. Never were your apprehensions more lively than when the question of united education was introduced for the first time, and of all the efforts you ever made and all the battles you ever fought, none is comparable in tenacity or prolongation with the desperate strife you waged against the first introduction of that measure. But there has been a continuous course of apprehensions. When one has been disposed of another has come into its place, and now the hon. and learned Gentleman, having a great charge to make and a fervent invocation to deliver, has nothing in the world in the shape of evidence, except to say—"There is a kind of feeling spread among the Protestants of Ireland," those whom he represents—for I cannot admit that it is true with regard to the great body of the Protestants of Ireland—to the effect that something terrible is going to happen; that the Government, being particularly idle at the present time, have filled their leisure hours in concocting a most ingenious scheme for the suppression of mixed and the propagation of denominational education, and that this is to be carried out by what the hon. and learned Gentleman calls a *coup d'état*. A lively imagination is a great blessing when a man has to deliver a speech to an enthusiastic audience; but it is an encumbrance in the practical affairs of life, when it comes to be proved by experience that its creations are no better than soap bubbles in the air, floating for a moment and then vanishing; they do not contribute to a solid reputation, and are not worthy of the grasp of mind of the hon. and learned Gentleman. But I will not stand upon negatives alone; I will come to positives. The hon. and learned Gentleman quoted the correspondence of 1866, and dwelt on the demands then made by a powerful hierarchy. It is a great pity that the hon. and learned Gentleman, whose mind has been almost thrown off its axis by these disquieting apprehensions, did not take the trouble to read the whole of that correspondence; because, if he had, he would have found comfort and consolation that I am sure would have been of inestimable value, and would have relieved him from all the suffering he has undergone. He is suffering from the fear that there is a plot for the overthrow of the Queen's Colleges as the representatives of mixed education. How unfortunate it was that the hon. and learned Gentleman quoted from the 17th page. Let me recommend to his attention page 15. He need not feed any longer upon the innutritious and unsavoury diet of mere rumour; here is the solid meat of official and responsible declaration for him. My right hon. Friend Sir George Grey, in reply to the Catholic hierarchy, says—

> "Her Majesty's Government are still of opinion that the principle upon which these Colleges were founded—namely, that of offering education in common to the Protestant and Roman Catholic youth of Ireland—is a sound one, and they are unable to concur in the belief expressed in the Memorial that these Colleges have been a signal failure. They have, therefore, no intention of proposing any alteration in the principle on which these Colleges are conducted."

That was a declaration made by my right hon. Friend the Member for Morpeth on our part, in our name, when we were responsible for the conduct of public affairs. The hon. and learned Gentleman may say that that was in 1866; but has the hon. and learned Gentleman found anything said or done by us since then, that, in the slightest degree, warrants the idea that we have departed from that declaration? I will go one step further, and say it is almost impossible for us to feel a disposition to depart from it. Events have occurred and are occurring, not in this country, but in a great religious centre of Europe—events of such a character that it is impossible for an English statesman to feel himself in nearer proximity to the opinions of the Roman Catholic hierarchy than the position in which he then stood four years ago. The hon. and learned Gentleman quoted, as if he thought he could explode an infernal machine on the Treasury Bench, the declaration made by my right hon. Friend behind me the Chancellor of the Exchequer, and the arts of mystery were employed to heighten the effect. For some time he kept back the name; but at last we were told, as if to frighten us out of our seven senses, that this was the declaration of my right hon. Friend the Chancellor of the Exchequer. So it was. I will not say that I heard with perfect accuracy every word of that declaration against the foundation of a Roman Catholic University; but as far as I have gathered the purport of it, I have never expressed anything at variance with it directly or indirectly. But when was that declaration delivered? I ask this, because the hon. and learned Gentleman is one of that large party who are going to give to the hon. Member for Brighton, that which of all things he told us he disliked, the support of the Opposition. The words used by the hon. Member the other night were—"Whatever pleases you displeases us." But it is an interesting circumstance to note that the declaration of my right hon. Friend the Chancellor of the Exchequer—from which, so far as I know, no man has ever dissented directly or indirectly—was delivered in opposition to the plan then proposed by Gentlemen who now fill the opposite Benches—they being then the responsible Members of the Government, they being then the persons who produced the proposal to found a Roman Catholic University; and on the very same night, from that place, we condemned the scheme without waiting an instant, and these are the Gentlemen who are now in such haste to pledge Parliament against any scheme of denominational education that they will not wait a moment. So much for previous declarations. I now pass to the speech of the Mover of the Resolution. I have no complaint to make of that speech. If I criticize anything with respect to the terms of his Motion, I shall not do so as dissenting from the opinions it contains. My duty and that of my Colleagues on this occasion is plain. It is to reserve to ourselves the power of fulfilling, on our own behalf and that of the House and the country, the solemn obligation imposed upon us—to keep in our own hands the power of free deliberation and discussion among ourselves on the measures we shall propose with regard to the higher class of education in Ireland. That is the issue that we want to raise, and upon that issue, not upon the merits of the Motion of my hon. Friend, of which I shall not say one word, will the vote be taken. I am sorry that my hon. Friend, in the exercise of his undoubted liberty and discretion, has thought fit to bring forward this Motion as an Amendment to the Motion for Committee of Supply; because, if it had been proposed as an independent Motion, our duty would have been plain and easy—namely, on the part of the Government to move the Previous Question. Indeed, it is the only form which does more distinctly than ordinary forms raise the true issue, which is that of time. But I have no choice upon this occasion. The forms of the House will not permit me to move the Previous Question, I believe, under the circumstances in which the Motion is now presented. But although we are under the disadvantage that, on that account, our course may not be so readily understood by the public, in the House we perfectly understand one another, and we know that the Motion for Supply being the principal Motion, and the Motion of the hon. Member being an Amendment, by voting for the Motion of Supply—that is to say, that the words, "the Speaker do leave the Chair" stand part of the Question, we give no opinion whatever on the Motion of the hon. Member for Brighton, or on the merits of the proposition which it contains, but we do what is done when the Previous Question is carried—we decline to affirm the proposition before the House at the present time and under the circumstances in which it is presented. Now, Sir, what is that time and what are those circumstances? — because I must assure the House that in our judgment they are of a very serious character. This being a question of policy, I might ask the House whether it is convenient to accumulate upon the controversies which now mark the condition of Ireland another controversy, and then comes the important question—is this other controversy one which we are in a condition to settle at the present moment? Hon. Gentlemen opposite heard the statement it was my duty to make yesterday on the part of the Government with regard to the condition of Public Business in this Session and at this period of the Session. They witnessed how many objections there were to be met, and I am not now complaining of them, in order to obtain even the slightest addition to our then existing means of expediting the business in question; and I ask them if they think it is in our power, in the midst of the discussions to which the remainder of the Session is to be devoted, to make time—I will hardly say to find time—for grappling with the subject of the higher education of Ireland, and conducting it to a settlement? In my opinion, Sir, there can be no one who really holds that opinion; but if any private Member of the House is of opinion that on his own responsibility he ought to undertake it, that is a proposition which would deserve separate consideration. Looking at the engagements under which we lie, I say, without the least fear of contradiction, that those engagements have already reached such a point that it will strain our utmost efforts and all the patience of the House to enable us in any measure to discharge them. And, Sir, it would be a mean and unworthy course if, in order to escape from a momentary difficulty, we were to recklessly enter into another engagement knowing that it could not be fulfilled. I am now speaking of the immediate fulfilment of the engagement as being impossible; but I presume it would be said in reply that a declaration of principle, and not the immediate fulfilment of some engagement to be entered into, is what is wanted from the Government by those who support the Motion before the House. We are asked to adopt the sketch of a measure that has been laid before the House, and to pledge ourselves hereafter to bring before the House a proposition carrying out that sketch. Let us first, then, look to the state of Ireland, and in doing so I must give the hon. and learned Gentleman credit for ingenuousness as well as talent, for he did not dissemble that the bringing in of a measure such as is contemplated by the Motion before the House would be entering upon another of those great controversies which distract and rend Ireland to the very roots of its social system. But, Sir, I go further, and say that if you open the question at this moment it would, in the opinion of the Irish people, be a wanton act, and you would raise yet another controversy in the minds of the Irish people—slight, indeed, for us in England, and easily settled in our own breasts, but great, difficult, and doubtful to Irishmen, namely—whether they can safely consent to trust the management of their interests to a British Parliament. [*A laugh.*] The sneer of the hon. Gentleman, and his utter contempt for the opinion I have just expressed, instead of causing me to think the difficulty less formidable, leads me to view the danger of trifling with these subjects in a stronger light, for we can never hope to arrive at satisfactory conclusions so long as hon. Gentlemen representing the people display a spirit such as is shown by the hon. Member. Now, Sir, I say that I think it most undesirable to open questions of this character with respect to Ireland, excepting when the Government and Parliament are in a condition to give the time, thought, pains, and sympathy that are necessary for their solution; and I do not think the present season can be said to present to us any of the favourable conditions that are necessary. The hon. and learned Gentleman does not attempt to make light of the importance of the declaration to which he has fastened the epithet or description of "craft." He says that it is a failure, and he accompanies that statement with others of great importance, for he says that at the present moment the mass of the Irish Roman Catholic people are undoubtedly of the same opinion with their pastors on this subject. It is true that he comforts himself by saying that they are not qualified to form an opinion; but we are not prepared—we are not entitled—to act on that supposition. It amounts to a denial of civil equality, and we cannot, therefore, accept it as the rule of our action; but taking it as a fact, it entirely substantiates the statement I have made that this is the opening of a formidable controversy. Having said so much in justification of my argument—that it would be unwise at the present time to complicate controversies which we are trying to bring to an issue in the hope of their satisfactory settlement—let me say a few words upon the position of Her Majesty's Government. The Government has taken Office for a variety of purposes connected with the profession of what is called the Liberal creed in politics; but the first and the greatest of those purposes was and is to find a solution for the Irish question, meaning thereby the great question of which the three branches are, the Irish Church, the Irish land, and the Irish education questions — this latter including especially the subject of higher education in that country. These questions were pointed out for solution by previous decisions of the House, and in acceding to Office, on the understanding that they were to be settled, if possible, the Government acted strictly in accordance with the spirit of the Constitution. We acceded to Office not in consequence of the actual vote of the House, but of the anticipation of its judgment for which the right hon. Gentleman the Member for Buckinghamshire and his Colleagues were primarily responsible, and in which it was admitted by all they exercised a sound judgment. The House was pleased to give us its confidence, and we do not think we have done anything to forfeit the confidence of the House in regard to these questions; but do not let me be understood as saying this in the way of complaint as to the course that has been taken by the hon. and learned Gentleman the junior Member for the University of Dublin, or the course that will be taken by the right hon. and learned Gentleman the senior Member for the same constituency (Dr. Ball), for they have not given their confidence to the Government, and we have no claim on them. They regard the acts we have performed as rash and unwarrantable, and they will very naturally vote for this Motion in the belief that if passed it will hamper and impede the course of the Government in regard to its Irish policy in general, and particularly in regard to that branch of it which we are likely to be engaged upon for some time to come. But, Sir, be that as it may, we are in charge of this Irish question, of which the higher education of the people forms a considerable and an important part; and I want to know whether we are now bound to make, or to decline to make, what I think would be a premature and very partial indication of our sentiments? I fully admit my opinion that my hon. Friend the Mover of this Motion has been guided by a sentiment of equity in framing his Motion; but he had a difficult task to perform. He says he felt that his former Motion on the same subject was defective, an admission which shows, in the first place, the importance of allowing long intervals of time to elapse between first declarations and the further steps immediately precedent to action; and, in the second place, the difficulty under which a man labours when dealing with so complicated a subject in stating, not so much what his principle will be in one year, as what will be the specific form in which he will apply it in the next. My hon. Friend found it necessary to add to his Motion, and he says that it is necessary to provide that those who are not members of the Established

Church might, within a reasonable time, obtain an adequate influence in the government of Trinity College. Now, what is the meaning of those words? Who has authority to construe them? And if we were to take that pledge, how should we be able to say how we should construe them for ourselves? What is "an adequate influence in the government of Trinity College?" The persons directly connected with the Established—or Disestablished — Church in Ireland are about 700,000. The rest of the population of that country are nearly 5,000,0 00. What is the adequate influence for 5,000,000 as compared with 700,000? I contend that it is impossible, by vague and general words, to give a satisfactory description of the mode in which that influence should be regulated. Moreover, another question arises. Is the government of Trinity College to be constituted under the notion of giving so much influence to one religious body and so much to another, or is it to be constituted on the principle of a perfectly impartial tribunal? I defy any man to say how this is to be under the terms of this Motion. If it bears any construction it is this—that the governing body should be divided in certain proportions among the various religious bodies in Ireland; but what those proportions should be, taking into account their relative numbers in the population of Ireland, I think he would be a very bold man indeed who would undertake to declare. It is impossible for any Government which respects itself, or which understands its duties, if it be intrusted by the House with its confidence, to surrender the initiative in those questions which have been committed to its care. This is no question of etiquette or formula; it is no matter of fastidious pride; it involves a principle of public conduct which my Colleagues and myself are not here, and will not be here, to depart from. The House, if it disapproves our Irish policy, is perfectly the master. If it thinks that we have been cowards, that we have been false, or slack, or fearful, my hon. Friend the Member for Brighton and the House can withdraw the charge which they have committed to our hands, or any portion of that charge, however essential we may think it. That I fully and frankly admit But let me not be mistaken. It is impossible for us, having regard to the obligations which the country and the House itself have imposed on us, to depart from the ground on which we stand. ["Hear!"] If I am tedious, the House, remembering the gravity of the subject at stake, will, I am sure, bear with me with some indulgence. I contend that, in acting as we propose, we are acting in accordance with a policy which the rules of prudence have uniformly dictated to every Government. Show me a case in which a Government called to power for a special purpose has thought fit to descend to purchase popularity by tying up its own hands and binding itself to certain conclusions before the time had arrived when it could carefully examine, measure, and weigh the facts on which those conclusions ought to depend. In 1841, Sir Robert Peel was called to power to deal with the Corn Laws. In September in that year the House met to transfer the administration into his hands. The House was then invited to adjourn until the winter, and Sir Robert Peel was called upon beforehand to declare the principle on which he proposed to amend the Corn Laws. He, however, peremptorily refused to do so. Again, in 1857—I am quoting cases that come to my recollection—the Government of Viscount Palmerston was in Office, and the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) used the liberty of Opposition. I find no fault with it as used on that occasion any more than I find fault with it now. In an autumn Session Lord Palmerston's Government pledged itself in the Queen's Speech to commence the real Session which was to follow by introducing the question of Parliamentary Reform. The House was to adjourn for some few months; but the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), resorting to the voice of the charmer, previously invited Lord Palmerston to lay on the Table of the House the outline of the plan of Parliamentary Reform which he meant to introduce in the next Session. Lord Palmerston, however, peremptorily declined to comply with that request. In 1858 several Gentlemen whom I see opposite came into power with the understanding or engagement—I think it was an engagement—to produce a scheme of Parliamentary Reform. They came into power, however, late in February, and it was not possible for them to pass a measure of Reform that year. Lord Palmerston, on that occasion, thought fit to play the game of tit for tat, and invited the Government of Lord Derby to produce their plan of Reform or to give some indication of it. That Government also refused to comply with such a request, and I say that every Government which knows its duty must decline to make those partial, ambiguous, practically-ensnaring declarations with respect to questions of first-rate magnitude and importance. Well, the same thing happened to us last year. We were then severely, and I might almost say fiercely, challenged to sketch out the principle of the measure which we proposed to introduce with respect to the Irish Land. ["No, no!"] An hon. Gentleman says "No!" I am tempted to ask him whether the sun rose this morning or not. I am, at all events, under the belief that we were so challenged, that long debates arose in the House of Lords on that challenge as well as in this House, and that I myself spoke in those discussions. The hallucination is so strongly rooted in my mind, that for the time I must be permitted to treat it as a matter of fact. We were challenged, then, in the way which I have mentioned, and we rigidly refused. Our answer was—"Take our previous declarations and consider our conduct; if you are dissatisfied, you are entitled to act on that dissatisfaction; but if you are satisfied, and you mean us, whether satisfied or not, to be your instruments for the purpose of giving effect to your policy—the policy of the country and of the majority of this House—why, then, do not destroy or cripple your own instruments; do not set them to perform a difficult task and curtail them of the means of performing it." I hope I have made it clear to the House that in standing upon precedent we do so on the ground of public policy, and that we are adopting a course which implies no disrespect to my hon. Friend or to those who think with him. If I have criticized the Motion of my hon. Friend upon the score of ambiguity, that is not his fault, but a defect inherent to a declaration of this kind; and though I have declined to bind myself or my Colleagues to any of these propositions, I have not intended to speak in direct or indirect disparagement of his opinions or the opinions of anyone else. A great and solemn charge is laid upon us—not by those who do not give us their confidence, but by those who do—and they are free to withdraw it; but it is a strong plea, I think, to say that the reservation of freedom in such matters as this on the part of the Government is a necessary element of success, and that to give up that freedom before the proper time came would be a gross and unpardonable breach of duty. I hope that statement will be accepted. We have no change to announce in our views; we are not at all scrupulous in referring to declarations made in former times. With regard to the future, our intention is not to lose a moment, when the state of Public Business and the time of Parliament permits, in proceeding to deal with the question of the higher education in Ireland. We shall endeavour to deal with it in the same spirit in which we have endeavoured to deal with the questions of the Church and the land in that country. That is, to give fair and full effect to great public principles—with all the consideration that we can allow to interests and feelings on every side. I know not whether anything further is left with which I need trouble the House. Had the question not been of such gravity I need not have detained them so long. I hope I have conveyed clearly to the minds of those who hear me how it is and why it is that, in our minds at least, it is grave to a very high degree. We do not question the liberty of any, or the conduct of any. We make no invidious inquiry at all into the motives of those who have changed their opinions or of those who have not; but we desire to record our own conviction that we, too, placed in the high position we, perhaps, unworthily fill, have duties to perform, and of those duties our own understandings and our own consciences must, in great and vital matters, be the final and conclusive judge.

Mr. BERESFORD HOPE said, that after the pointed challenge given by the right hon. Gentleman the First Minister of the Crown to those connected with the Universities of England, he thought it was not out of place he should say a few words on this question. The matter had been argued hitherto as though it were exclusively an Irish question, and no doubt Ireland was in an exceptional position in many ways. But he would represent to Gentlemen on his side of the House that it was a short sighted and suicidal policy on their part, for the sake of snatching a chance Division at this period of the Session, when it could do them no good, to put in peril great and broad principles, which might be thrown in their faces hereafter when similar questions, extending over a wider area, came up in this country. He could not forget the announcement that after Easter the question of University tests would become a Government measure; and he should not allow himself by any vote in a snap Division on a Resolution of this kind on going into a Committee of Supply to furnish opponents with artillery, which they might turn against those who now used it when the question of University tests came on. Because the Fellows of Trinity College, for reasons best known to themselves, propounded a scheme for the reform of the University, and that scheme was supported by the Members for the University, holding the University brief, and by a chance combination of parties, that was no sufficient reason for hampering a question of very grave importance, which should be discussed without *arrière pensée.* After the interesting speeches which had been delivered, and the ventilation the subject had received, he hoped the Resolution would be withdrawn. It would be intolerable that the whole question of the higher education of Ireland should be written off in an interlocutory way on a Friday evening, upon a Resolution so abstract as to be absolutely vague, and without any discussion of the various bearings of the question. If the House were driven to divide he should be compelled to vote that Mr. Speaker should leave the Chair, and he believed others around him would take the same view. It would not, therefore, be a fair party fight or a fair fight on the question of University education even in Ireland; and positively mischievous in its bearings on England. Speaking for the English Universities, he thought the greater should precede the less, and that Cambridge and Oxford ought to have their future constitution settled without prejudice from a premature Resolution respecting Trinity College, Dublin.

Dr. Ball (*amid cries of* "Adjourn!" *and* "Go on!") said: Sir, as it is the wish of the House that I should now proceed to state my views upon the present question, I shall do so, and I desire, in the first place, to allude to a suggestion of the right hon. Gentleman, that while the bringing forward, or rather the support of this Motion is a legitimate proceeding on the part of an Opposition fairly arrayed in hostility to his Government, it is to be viewed as partaking of a different character when it comes from a Member of the Liberal party. Now I must entirely repudiate any such defence of my conduct or any such comment on the course I pursue. Not only had I no desire that the Motion should be brought forward, but I rise solely because, being brought forward, I am challenged as Member for the University of Dublin, to express in this House the opinions I hold on this subject. I protest against the supposition that I am actuated by a spark of party motive; and, further, I have to say that the opinions I hold on this subject are no new opinions, and have been adopted and advocated without the slightest reference to party advantages or interests. In 1865 I was a candidate for the representation of the University of Dublin in favour of Lord Palmerston's Government, and with the support of the right hon. Gentleman the Member for Tamworth (Sir Robert Peel), then Chief Secretary for Ireland. One of the main topics used against me at that election was that I was an advocate for united education. I have no principles on this subject to alter, vary, or accommodate to circumstances. I have always endeavoured to ascertain what system of education would best promote the interests of my country, and I say there are a variety of circumstances peculiar to Ireland which imperatively demand the adoption of the principle I have advocated. Without, however, going into the past, it appears to me that the consideration of the position in which we now stand must be largely influenced by the legislation of last year. The right hon. Gentleman has succeeded in carrying a measure which disestablished and disendowed the Church established and endowed by the nation. He refused to give any share of the revenues of the Church for the purposes of any religion whatever. He laid on the Table of the House a Bill with a declaration which, although as Earl Russell, in the preface to the collected edition of his speeches says, the Parliament of England has been saved by the House of Lords from recording; yet, so far as this House is concerned, was affirmed,—that no portion of the revenues of the Church should be given for the maintenance of religion or of the ministers of any religion. When a measure has been carried in that spirit, and the British nation has pronounced, as far as Ireland is concerned, that religion has no more connection with the State than that which exists between the State and any aggregate of men associated for any other purpose, a principle has been laid down, which you cannot avoid acknowledging when you come to deal with the question of education. And it is for this reason that, when the right hon. Gentleman introduces English topics, and says there will arise the great question of the English Universities, and appears to warn English Members they may to-night make a precedent for themselves, I answer by saying that the decision they may come to in respect of Irish education can, in the different circumstances of the two countries, have little bearing or influence on the votes they may give upon English University education. For the present, I reserve my opinion on the latter question; and I say that the circumstances of England being utterly different from those of Ireland, seeing that you have in England an Established Church incorporated into the State, or rather an essence of the State, vivifying it from the Sovereign down to the humblest individual in it, and with its influence pervading the whole community, the question of education arises under conditions entirely different from those which encircle it in a country where the Legislature has proclaimed there is no longer any connection between the State and religion, where the State stands apart from all denominations, and independent of all. The right hon. Gentleman has evaded giving the slightest clue as to the course he meant to adopt. [Mr. GLADSTONE: Refused to give a clue.] The right hon. Gentleman is a master of words, and it may be that, speaking *secundum perfervidum ingenium Hibernorum,* I make by no means a critical use of them, and am open to his refined and fastidious criticism. But on the present occasion I think the meaning comes to the same; I think he has not disclosed his policy; and he complains of the hon. Member for Brighton (Mr. Fawcett) that he forces him to a disclosure, thus necessitating a course of action inconsistent with the position of the Government; inconsistent with the duty which it owes to itself of calmly devising and considering a measure, and not revealing prematurely the intentions of the Cabinet. With respect to that I must say there are precedents which induce me to defend the hon. Member for Brighton, and they are both precedents furnished by the right hon. Gentleman himself. In 1868, when the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) was in power, when he had issued a Commission to examine into the question of the Irish Church, and when Lord Mayo had indicated that the Government were about to deal with it, and had issued a Royal Commission for the purpose, what did the right hon. Gentleman opposite do? He moved a series of abstract Resolutions pledging the House not to a particular measure, but to the principles on which he thought a measure should be founded.

MR. GLADSTONE: We were in Opposition as you are now.

DR. BALL: Is the hon. Member for Brighton so completely fettered by sitting on the Ministerial side of the House that he is not entitled to take a course which would be perfectly legitimate for me? I repudiate altogether this notion that being in Opposition justifies what is not abstractedly right. The hon. Member for Brighton takes a different view from the right hon. Gentleman of the propriety of bringing the question forward; he has brought it forward, he is justified in bringing it forward, and as I am challenged to state my opinion, I also am justified in voting for his Motion. As this is a precedent in the way of example, so there is another affording a warning. Last year the right hon. Gentleman was asked, by the present Earl of Derby not to state affirmatively the provisions of his future Land Bill, but to state negatively that he did not sanction the wild ideas which were abroad; and the right hon. Gentleman remained silent. Was that a happy example? Would the extravagant views about fixity of tenure that have been advanced in Ireland by men of ability, in the belief that the Government would be induced to adopt them, have been put forward if the right hon. Gentleman had stated explicitly that he would never agree to them? I do not say whether the hon. Member for Brighton is right in bringing this question forward or not; but I say it does not lie in the mouth of the right hon. Gentleman to reproach him for moving an abstract Resolution to elicit an opinion from this House. But to leave the consideration of the occasion, and come to the question itself, I will acknowledge at once that I regard this as an extremely difficult question. I am by no means prepared to criticize with severity either reticence to a certain extent on the part of the right hon. Gentleman, or his view of the necessity for taking great caution in whatever proceedings he adopts; but I think it is not inconsistent with this admission to assert the right of those who advocate particular views to bring them before the House and before the right hon. Gentleman himself, who, if he listens only to a certain class of advisers, will never know the truth. And here I must say that, notwithstanding all my respect for the right hon. Gentleman, and all my admiration of his genius, he will be none the worse in his policy if instead of blindly following the dictates of violent partizans, he calmly weighs suggestions made in reference to Ireland by persons who have no motive whatever in making them but that of endeavouring to offer an honest contribution to the consideration of the question. Sir, there are but three courses open upon this question. The first of these is to remain as we are; but consider the consequences which flow from the decision of Parliament with reference to the Irish Church, and it must be conceded that there are great difficulties in adopting that course. Moreover, in the course of the Church debates the right hon. Gentleman more than once reminded me that as I dealt with Maynooth so Trinity College, Dublin, would be dealt with, and I understand by those declarations he did not mean the University to remain exactly as it was. He is himself the head of a great party—nay, he is himself a great impulse to public opinion, and he has declared that education in Ireland is one of the three subjects with which he is determined to deal. All these circumstances point to the conclusion that we cannot escape taking some action upon the subject. If then, we cannot remain as we are, there are two other ways of dealing with this question: I mean as regards the University of Dublin. We may take the revenues of the University and found out of them several collegiate institutions of a denominational character, or we may expand and extend the University itself. With respect to the formation of several collegiate institutions, there appears to me to be one insuperable obstacle, and that is, the want of adequate pecuniary resources. It is very true the University of Dublin possesses estates very large in extent; but under what conditions does it possess them? At the time of the Commonwealth, and also before and after it, the state of Ireland was such that there was extreme difficulty in recovering rents and managing landed property in Ireland. To obtain good tenants leases were made for fines. This, an Act of Charles I. enabled the owners of collegiate and ecclesiastical property to do. Under the provisions of this Act leases were made and continually renewed. Recently you have passed a statute giving power to convert these leases into fee simple, into perpetuity of tenure, and the result of that is that now the rental of the College is from Royal Grant, about £30,800 a year and from private endowment about £5,678 a year—say, in round numbers in all about £37,000 a year. Are you of opinion that out of a property no larger than that you could possibly create separate denominational Colleges of an effective character? It is clear you could not. You gave Maynooth £30,000 a year, and you gave the Queen's Colleges £27,000 a year; and you cannot possibly think the funds I have named sufficient for the purposes of denominational education. A second difficulty in the way of this plan is the extravagant demands of the Roman Catholic clergy—not so much of the clergy as of the Roman Catholic Bishops. In the time of Lord Mayo's secretaryship he made a proposal in reference to this subject; and the correspondence upon it, in my opinion, raises an enormous difficulty in the way of your proceeding in the path of creating separate denominational Colleges out of these revenues. I will read one passage from a paper written by Archbishop

Leahy, which appears to me to put the matter so completely that the House will see the enormous difficulty of entering into any arrangement of that character. He says—

> "Equally certain is it that the Bishops will not forego the right of authoritative supervision with respect to any possible plan of University education in its bearing on the faith and morals of their flock. That is a right inherent in the office of the Bishop, forming an essential part of his pastoral authority, which he can on no account forego. It includes the right of intervening in the selection of teachers, of watching over them, and, if necessary, of removing those whose influence may be injurious to the spiritual interest of Catholic youth. It also includes the right of examining, and, if expedient, of rejecting books which it may be proposed to use in the University."

It appears to me that this declaration creates a very great difficulty in the way of legislation by concurrent endowment of several Colleges denominational in their character. It may be suggested that we may introduce lay teachers; but there is a remarkable pamphlet, written by a Roman Catholic gentleman, whom my right hon. Friend the Chief Secretary for Ireland has appointed to a Professorship in one of the Queen's Colleges—Mr. Maguire—which negatives this idea. Mr. Maguire says—

> "But placing the University under the control of the Church means simply this—the Church must have the power of appointing and suspending Professors. If not, how can the Church have supreme control? For it is evident that the censures of the Church can be fulminated as freely under the present system against the Roman Catholic Professor in Trinity as against the Roman Catholic in Stephen's Green. And, as a matter of fact, the Prelates, in their negotiation with Lord Mayo, claimed such a power. That claim they now suppress, but the whole context of their manifesto shows that it has not been abandoned. Now, it is obvious that all the reasons which tell against ecclesiastical teaching in person tell with equal force against ecclesiastical teaching by deputy. And there is, moreover, the special objection that the deputy will in most cases gain the approbation of his clergy, mainly, if not wholly, by his real or affected piety, and not mainly by sheer intellect. As Macaulay says, the subordinate who wants promotion will take care to let his superior know that he wears a hair shirt. Now, whatever be the reverence due to an ecclesiastic, none whatever is due to the layman who is an ecclesiastic in all but name and faculty. The inordinate claims of the clergy, against which the educated layman protests, are but errors in degree; they are virtues pushed to an extreme. But the objectionable qualities of the lay devotee or of the lay hypocrite are obnoxious from the beginning; they are vices in kind. The lay devotee has none of the virtues of the cleric save obedience, and that obedience springs not from a sense of duty, but from interest or from slavishness."

These are the words of a distinguished Roman Catholic, and they deserve serious consideration. The pamphlet was written against any project for dividing the revenues of Trinity College to create denominational Colleges, and with a view to advocate the system of united education. Now, here I fully admit that you are to take as an element in the consideration of the question, and to give a fair and reasonable weight to, the feelings of those with respect to whom you are legislating. There has been read to-night a declaration of the Roman Catholic laity of Ireland, and I do not deny a declaration carrying a considerable degree of authority with it, though for reasons I shall afterwards state, not so much as might at first sight be supposed. But before adverting to them I will direct attention to a far more explicit declaration contained in a Petition presented by Henry Grattan to the Irish Parliament in 1795, when the proposition to include laymen in the College of Maynooth was objected to. That Petition declared that the exclusion of Protestant laymen was highly objectionable as tending to draw a line of separation between the King's subjects in Ireland; that it was to the interest of the country to obliterate distinctions between them; and that if the youth of Ireland were instructed together in those branches of education which were common to all, their peculiar religious tenets would be no obstacle to their associating with one another in their future course of life. The Petition concluded with the expression of regret at the intended separation of the youth of different religions during the period of education. That is an explicit declaration of opinion, which Mr. Croker has, in the *Quarterly Review*, stated was numerously and respectably signed by Roman Catholics in Ireland, and contrasts strongly with the vague document read to-night. But even if it were not vague, some qualification of its authority will suggest itself to those who know the conditions of Irish social life. It is not unnoticed by Mr. Maguire. Mr. Maguire points out that there are influences which may operate to prevent a full expression of real opinion on this subject. He says—

> "But once grant ecclesiastics the power they claim, and there is nothing to restrain them. The laity is reduced to utter slavery, for the bread of the barrister, the physician, and the attorney will, as seats in Parliament do now, depend on the parish priest. And since the Union the professional man is Irish society. In Ireland there is no commerce, and so no class of men which depends upon demand and supply, and upon demand and supply only. It would be visionary, then, to expect that the Catholic barrister, the Catholic doctor, the Catholic attorney, each of whom in general has nothing to start with but his brains and his profession, will venture to quarrel with the omnipotent caste which can make or mar him. An individual may do so, but classes never will."

I say, then, that if a Catholic gentleman of distinguished ability puts in a public pamphlet a statement of that kind, and suggests such a subject of consideration by way of caution as to legislation for the future, we cannot ignore it in the present, or refuse to take it as an element in our deliberations. Further I cannot help agreeing with my hon. Colleague that the document brought forward to-night is so ambiguous that you can derive from it no conclusion as to the precise method of settling this question, and that therefore you cannot build on it any argument for the support of the denominational system. Sir, as I understand the present Motion, it is not so much the assertion of a complete policy, still less of a comprehensive measure, on the subject of University education in Ireland, as an answer to, and negative of, objectionable demands made in reference to the subject. On the 18th of August last it was announced at a meeting held at Maynooth, at which Cardinal Cullen and other Prelates were present, that mixed education was in itself objectionable, and interfered with the faith and morals of the Roman Catholic youth. I understand the same meeting to require the exclusive education of the Roman Catholics by Roman Catholics, or at least teachers approved by the Roman Catholic Bishops. This meeting it was which led to the action of the Fellows and Professors of the University of Dublin, when they passed a resolution signed by all the Fellows with the exception of four, and by every Professor except two or three. This resolution proposed to open the Fellowships and Scholarships without religious distinction. But it is to be observed that it was not intended this Resolution should be brought before the House in the shape of a Motion. The College took no steps in the matter further than communicating the document to the right hon. Gentleman the Prime Minister for the consideration of himself and the Government, and it was sent to him through the Chancellor of the University, Lord Cairns. The Member for Roscommon (The O'Conor Don) moved for a copy of the document, and thus it is that it was laid on the Table of the House. Then the Motion of the hon. Member for Brighton comes on, originating solely with himself; so that whether we regard the immediate cause of the Resolution or the present Motion, the University cannot be made subject to the reproach of any precipitate action. The Motion, however, being here, its discussion is not without advantages. The attention of the House is timely called to a question of great social importance. It is well that it should be warned against confusing together the circumstances of England and Ireland in respect of education. You have placed yourselves in an exceptional and peculiar position as regards Ireland. You have adopted a peculiar policy, begun with the Church Bill and continued by the Land Bill. If that position be peculiar, why mix it up with considerations which apply to another country with different institutions and a different system as regards ecclesiastical arrangements? Looking, then, only to Ireland, its religious controversies and dissensions, no policy seems advisable which tends, by dividing young men into separate and hostile establishments for education, to keep these controversies and dissensions alive. At this late hour I do not wish to detain the House; but I cannot refrain from quoting, in support of my views, from Earl Russell's preface to the collection of his speeches recently published—

> "It is now considered dangerous that a Roman Catholic should be made aware that there are Protestant children in the land; that he should play with them, talk with them, learn arithmetic with them, be on friendly terms with them, or consider them otherwise than as outcasts from heaven. A better prescription for sowing hatred and ill-will between Roman Catholics and Protestants in Ireland cannot well be imagined."

This I understand to be a declaration in favour of united education; and I read the passage as containing the wise sentiments of a great man. You may depend upon it you will never create good feeling by isolation and separation, by creating lines of demarcation between those who will be associated through life. I must say that there is an additional matter which ought to be taken into account on this question, and that is, what have we been accustomed to? Have we been accustomed to the separate system? No! For two generations, as the right hon. Gentleman himself admits, everything in Dublin College, with the exception of a few Fellowships, has been open, and all have been accustomed to meet and be educated together. Therefore, if that College were made denominational we should be introducing a new principle which did not exist before. That is serious matter for consideration. There is a respect to be paid to the wishes of the great educational institutions themselves. They know best what is for the interest of education, and I doubt that you will compass any good end by opposing their views and wishes. Neither on this nor on any other subject can we bind ourselves to adhere to one rigid and inflexible line of policy, or lay down that everything is to be governed by one single principle; we must be prepared to allow for the influence of circumstances, and to modify our policy accordingly. It is quite too late to enter fully into the question; but I must very earnestly impress on the right hon. Gentleman and the Government, who have to deal with the matter, that there are great and insuperable difficulties in the way of yielding to the demands of the Roman Catholic Prelates; there is great difficulty in remaining where we are; and that the only remaining alternative is to assent to the unanimously-expressed opinion of the intellect and education of the University of Dublin.

Sir HENRY HOARE moved that the debate be now adjourned.

Mr. GLADSTONE said, as far as the Government were concerned, their course must obviously be to oppose the adjournment. With the view they took of the question, in acceding to the adjournment it would be necessary to find a day for continuing the debate, and that it was out of their power to do. Very reluctantly, therefore, they must oppose the adjournment of the debate.

Mr. A. F. EGERTON said, he hoped the hon. Member for Chelsea would persevere in his Motion for the adjournment of the debate.

Mr. GATHORNE HARDY said, he had come down to the House to oppose the Motion of the hon. Member for Brighton (Mr. Fawcett); but after the speech of the right hon. Gentleman the First Minister of the Crown, who had contrived to represent it as a question of confidence or no confidence in the Government, he should support the Motion for adjournment.

Mr. BOUVERIE said, he hoped the Motion for adjournment would not be pressed.

Dr. LYON PLAYFAIR said, he trusted the Motion for the adjournment of the debate would not be withdrawn. The right hon. Gentleman at the head of the Government had put the question as one of want of confidence in the Government, and several Liberal Members who were extremely interested in higher education, and who intended to vote against the Government, wished to have an opportunity of stating their reasons. He had not heard from the Prime Minister that night a single statement whether he was for or against denominational education.

Lord JOHN MANNERS said, he hoped the hon. Member for Chelsea (Sir Henry Hoare) would persevere. It would be a most unfortunate precedent if they permitted the Prime Minister, when he found himself in a position of difficulty, to extricate himself from it by wresting a Motion from its legitimate issue, and calling on the House to regard it as a Vote of Confidence in the Government.

Mr. COLLINS said, he and many other hon. Members were prepared to support the Government, on the ground that the initiative in so important a question ought not to be wrested out of their hands by a private Member; but he must complain that an unnecessary complication had been imparted to it by the speech of the Prime Minister.

Mr. FAWCETT said, he had been most anxious, whatever the result, to take the vote to-night; but, after the extraordinary and unexpected turn which the debate had taken, it seemed quite impossible that the debate should now close. Nothing was farther from his mind in bringing forward the Motion than a Vote of Want of Confidence. He certainly should not withdraw the Motion; nothing in the world would induce him to do so. If the Government accepted it as a Vote of Want of Confidence, that was their responsibility, not his. Three sentences would have satisfied him. If the right hon. Gentleman had said that he was as much in favour of undenominational education in the University of Dublin as he was in the English Universities he should have been satisfied. He did not wish to pledge the Government to bring in a Bill this Session. He left the time entirely to the right hon. Gentleman; but as he said this Motion was a Vote of Want of Confidence, he felt that his Friends who intended to support him should have an opportunity of explaining why they voted against the Government.

Mr. CARDWELL said, he was quite sure if this was really to be dealt with as a practical question during the present Session the House would expect that the Government should introduce and carry through a Bill upon the subject. They would not be satisfied to find that the Government relieved themselves of the responsibility by allowing it to fall on the shoulders of a private Member. That being so, he asked whether, in the present Session, with the duty which already rested upon them in connection with the Irish Land Bill, the English Education Bill, and the question relating to the English Universities, they could bring in a measure upon this subject and prosecute it with any chance of success to a final issue? It was useless to continue the debate on the abstract question. The hon. Member for Brighton (Mr. Fawcett) said a single word would have satisfied him to the effect that they were as much against denominational education in the Irish as in the English Universities; but what right had he to attribute to them that they were indifferent to the cause of united education in Ireland? He and those who sat by him had always supported it. But whether it was reasonable or consistent to force this question on the Government, deeply engaged as they were with the other important questions to which he had alluded, and thus to interrupt the whole course of Public Business, he must leave to the House to determine. He hoped the House would negative the Motion for the adjournment of the debate.

Mr. HUNT said, the right hon. Gentleman the First Lord of the Treasury had placed the House in an awkward position by representing this as a Vote of Want of Confidence. In supporting the right hon. Gentleman against the hon. Member for Brighton (Mr. Fawcett), the right hon. Gentleman must not consider that he was expressing any confidence in him. He must rather take the vote as an expression of want of confidence in the hon. Member for Brighton.

Mr. H. A. HERBERT said that, as one who was most unwilling to give a vote against the Government, he would appeal to the right hon. Gentleman to say whether, after his speech, the House might understand that, under no circumstances, would the Government give a charter to a Roman Catholic University, or to the Roman Catholic College, until the matter had been laid before the House, and had received the full expression of the opinion of the House upon it.

Motion made, and Question put, "That the Debate be now adjourned."—(*Sir Henry Hoare.*)

The House *divided:*—Ayes 96; Noes 232: Majority 136.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. R. TORRENS moved that the House do now adjourn.

Mr. R. N. FOWLER said that, as it was impossible at that hour to give such attention to the speech of the First Lord of the Treasury as it deserved, he had great pleasure in seconding the Motion.

Mr. GLADSTONE said, he was very far from supposing that the whole force of the majority in the last Division constituted an answer to the appeal made by him, because it comprised many hon. Members opposite, from whom he could not expect any such support; but, allowing for that element in the majority, he was quite satisfied with the declaration of the House as far as it was made, and, therefore, offered no opposition to the Motion of the hon. Member for Cambridge (Mr. R. Torrens).

Motion made, and Question, "That this House do now adjourn,"—(*Mr. Robert Torrens,*)—put, and *agreed to.*

House adjourned at a quarter after One
o'clock till Monday next.

HOUSE OF LORDS,

Saturday, 2nd April, 1870.

Their Lordships met at One o'clock, for the purpose of hearing a Royal Commission read, by which the Commissioners were authorized to give the Royal Assent to the Peace Preservation (Ireland) Bill, and other Bills.

But the Commons having, at rising, adjourned to Monday next, that House was not in attendance.

House adjourned at five minutes past One o'clock, to Monday next, Eleven o'clock.

HOUSE OF LORDS,

Monday, 4th April, 1870.

MINUTES.]—Public Bills—*Second Reading*—Dublin Collector-General of Rates Franchise * (44).

Royal Assent — Peace Preservation (Ireland) [33 *Vict.* c. 9]; Coinage [33 *Vict.* c. 10]; Mutiny [33 *Vict.* c. 7]; Marine Mutiny [33 *Vict.* c. 8].

OWENS COLLEGE EXTENSION BILL.

THIRD READING.

Lord REDESDALE said, he desired to remind their Lordships that this Bill, which now stood for third reading, was the one to which he objected on a former occasion, and to which, indeed, as a private Bill, he still entertained objection. He then promised, if necessary, to bring it before a Committee of the Whole House; but the promoters had since been before him, and had entirely agreed to the form which it seemed to him most desirable that the Bill, if their Lordships wished it to proceed, should assume. The jurisdiction of Parliament over any scheme which might be devised had thus been secured, and he had not thought it necessary, therefore, that the Bill should come before a Committee of the Whole House.

Earl DE GREY and RIPON, having compared the amended with the original Bill, thanked the noble Lord for the great attention he had devoted to it, and for the considerable improvements which had been made in it.

Bill read 3ª, and *passed*, and sent to the Commons.

CRIMINAL SENTENCES.

ADDRESS FOR A RETURN.

Lord PENZANCE, in rising to move an Address for a Return relating to the revision and commutation of criminal sentences, said—My Lords, I make no apology for bringing this subject before the attention of the House, inasmuch as it is one which has attracted much public attention, and has done so in an increasing degree for the last few years. I may say, at the outset, that I do not desire to criticize, far less to impugn, the conduct, in this matter, of the present Home Secretary or of his predecessors; for I believe that under the system, such as it is, the authority of the Crown has been as wisely and properly administered as it could be; and as regards the right hon. Gentleman who now fills the office, no one can have acted with more discretion and judgment in the onerous and delicate task which he has to perform. What I desire to bring before the attention of your Lordships is the system itself under which our criminal law is applied; and, after tracing what it practically does, to ask whether it is one which ought to be satisfactory to the public. Now, the criminal law is administered in the first place by Her Majesty's Judges in the various assize towns, accompanied by all the solemnity which the majesty of the law demands, and with as much of outward pomp and show as people in these days would tolerate. The trial—say for murder—is had in open court before a Judge and a jury; and if it results in a conviction the learned Judge proceeds to pass sentence of death with extreme solemnity. No sooner, however, is this done than the scene is shifted from the open court to a private room in London, from the Judge on the Bench to the Secretary of State for the Home Department. To the right hon. Gentleman thus sitting in private the appeal lies, and to him applications are made, more or less urgent according to the nature of the case, by those who are interested in the fate of the convict. If he happens to be one of the upper class the effort is backed by numerous supporters; and if, as is sometimes the case, he belongs to any particular religious sect the exertions made are still more cogent. Statements are made to the Secretary of State, some on oath, but many not; and memorials are sent round for signature in the town where the convict has lived or where he is known, people of all sorts being asked to join in praying for a remission of the sentence. It is not in human nature that they should refuse; and accordingly a great mass of materials, some in the nature of a prayer, some of explanation, and some of excuse, find their way to the Home Secretary, upon whom is cast the duty of coming to a conclusion on the case, without any regular means of publicly investigating the statements made in these memorials. Well, the Home Secretary does as much as any man can do under the circumstances. He makes his inquiry. It very often happens that the crime is one which depends on scientific evidence, as in cases of poisoning, and there he has often a very delicate task. In other cases new or additional facts are alleged; but there are no authorized sources of information. I believe, indeed, that he sometimes sends down persons to make inquiries on the spot. Your Lordships will remark that the investigation is after the passing of the sentence, almost entirely one-sided. All the persons who memorialize, and all the statements made, are on the side of the convict, and everything is said on his behalf that can be said. Now, it is a curious feature, connected with the feelings of human nature, that before the prisoner is convicted the sympathy is entirely with the victim; but as soon as he is convicted that sympathy passes over to the prisoner—at least it is so in a great number of cases. Consequently, everything that can be said in his favour is brought before the Home Secretary. The inquiry, moreover, is private, and the public have no means of knowing what is going on; so that facts which might be brought forward to contradict the allegations of the prisoner's friends are not offered, because those who could do so do not know the importance or necessity of them. In the end, perhaps, the Secretary of State advises a reprieve. No sooner has the Home Secretary arrived at this decision, than the matter is brought forward in the House of Commons, where Questions are put to the right hon. Gentleman, asking for the reasons on which he had arrived at that decision. Now, it seems to me that the bare statement of this system of administering criminal law in the highest and most important cases is sufficient to condemn it. I have called it a system; but it is more properly a growth, for no one ever deliberately devised it. It is like the growth of the power of courts of equity in consequence of the binding rules of law, and arose from the impossibility according to law of having any further public inquiry into the case, no matter how strong the facts are which may be adduced after the jury have pronounced their verdict. This total absence of any reasonable method of inquiry has forced mankind into the extravagant and absurd system of correcting justice through the prerogative of mercy. But, bad as this system is in practice, it is equally vicious in theory. If justice has not been done it is obvious that it should be done; but it should be done in the name of justice, not in the name of mercy. Mercy begins where justice ends; and this is a system of eking out imperfect justice by irregular mercy. It sins against all the regulations which ought to control us. The first great vice is its want of publicity. As a second inquiry it must be worse than the first, for it is private and one-sided; whereas the first inquiry was in the face of day, and both sides were heard. Even, however, if it be more successful than the first in eliciting the truth, it has this incurable vice—that it does not appear so to the world. Now, it is almost as necessary in the handling of matters connected with justice, that people should feel that justice is done as that justice should be done; and in this method of correcting the results of a public trial, everything being done in private, there will always, however just the conclusion may be, be those who are not contented with it. They will be discontented, because what they have read or heard in court cannot fail to have impressed their minds strongly in one direction or the other; whereas what is done by the Secretary of State is under the sole guarantee of his high and impartial character and the respect accorded to his judgment. The effect of the system whenever a sentence is remitted, is to weaken the impressiveness of sentences passed in open court on those who are present at the delivery. The object of punishment is to deter from crime and the sentence passed upon criminals should be deterrent. But if the idea should grow up in people's minds that a sentence is not to be carried out, the effect of that sentence, with all its attendant solemnity, is indefinitely diminished. For a sentence to be effective, nothing is so necessary as that it should be certain; and there can be no greater evil than the feeling that whatever sentence may be passed is liable to be revised by the Home Secretary. Now, these evils are not incurable. What difficulty is there in constructing a tribunal which should do all that the Home Secretary now does? Such tribunal must of course contain a large share of the judicial element. It might contain the ordinary Judges of the land and members of the Judicial Committee of the Privy Council, or those who have held high judicial posts; and the Home Secretary might also be a member of it. There would be several conditions indispensible to its success, and the first of these is publicity. It should have the power of investigating in public, and all evidence should be on oath. A second condition would be that it should not be tied down to the strict rules of legal evidence; for in an inquiry whether the verdict in the first inquiry ought to stand no rational means of information should be excluded. It should, therefore, be at liberty to receive evidence not strictly legal. It should have power either to order a fresh trial, to annul the sentence, or to vary it, subject to such rules as might be laid down for their guidance. It may, perhaps, be objected that there would be a strong disposition to resort to such a tribunal in every criminal case, especially where the punishment of death is impending; but it is common in in civil cases, where a large sum of money is at stake, to move for a new trial, yet the courts very rarely allow this, and the defeat of attempts not founded on satisfactory grounds would prevent any undue number of appeals. If, however, there is any difficulty on that head, I see no reason why the matter should not first be brought before the Home Secretary, who might pass on to this tribunal only such cases as he thought worthy of investigation. If the Government should think that what I have brought before your Lordships is worthy of consideration, but are not themselves inclined to take action on the subject, they may probably be willing to refer it to a Royal Commission, who would be able in a very short time to draw up a plan which would be satisfactory to the public. The second branch of my Motion refers to the ground of interference with sentences, distinguishing the cases in which the supposed innocence of the prisoner or the severity of the sentence has been the ground of such interference. Now, independently of the cases in which the punishment of death has been commuted, it has, I believe, been the practice for many years of the Home Office to mitigate severe sentences. Now, no doubt there is nothing so unsatisfactory in the working of our criminal law as the apparent disparity in the sentences that are pronounced. There is often an impression among the public that sentences are in some cases far too heavy, and in others far too light; but their opinions are in many cases founded on imperfect information. The reports published in the newspapers, although extremely able and faithful, are mere skeletons of what has passed in the courts, and readers of the public prints may very well come to the conclusion that there has been undue severity, whereas if they had heard the whole of the evidence they would have been perfectly satisfied. Still, no doubt, there is some amount of dissatisfaction with sentences, and particularly with their inequality. That disparity will always appear to exist so long as unlimited discretion is committed to the Judge who presides at the trial. It is obvious that such a discretion must exist, and I would not desire to limit it; for it is obvious there may be circumstances of aggravation or extenuation, many of which may call for a light or heavy sentence, and it is only the tribunals before which these cases are tried that can form a just opinion upon them. In every criminal case, however, two things have to be considered—first, the heinousness or enormity of the crime itself, and secondly, the particular circumstances under which the prisoner has committed it. Now, the first—the heinousness or enormity of the crime as deciding the punishment, one would think, should be determined by the law. Take the case of forgery, burglary, or rape. One person would hold forgery to be the worst crime that could be committed in a highly civilized and commercial community; another would hold that burglary was a much greater crime;

and a third might hold that rape was the worst offence of all. Now he ventured to say that if you were to assemble fifteen men in a room, and take their opinions on these separate classes of crime, you would not find them agree; yet this is the question which the fifteen Judges have to determine. In passing every sentence a Judge has to settle what is the enormity of burglary, forgery, or rape, before he investigates how far the standard of punishment should be exceeded or diminished in that particular case. If a Judge regards forgery as a crime of the deepest dye, he will invariably visit it with a very heavy sentence; but a Judge on the neighbouring circuit may see in it only a form of robbery or cheating, and every case of the kind will be leniently dealt with. This inequality of sentences is due to the absence of any standard; for if there were a standard laid down, still leaving the Judges the utmost liberty of increasing or diminishing it, it would be felt that in nine cases out of ten the Judges would not disturb it; for the circumstances of cases really differ very little. I venture to say that such a standard would be gladly adopted by the Judges in the large majority of cases, and we should thus obtain something like uniformity of sentences; whereas, under the present system, we may be said to secure want of uniformity, every Judge being left to form his own opinion on the heinousness of the crime. When I first had the honour of a seat on the Common Law Bench I was struck with the desirability of such a standard:—which might be obtained either by Act of Parliament, by an Order in Council, or even by agreement among the Judges themselves. There would be no reason why it should not be altered from time to time, as the prevalence of a particular crime or other circumstances might render advisable. I shall be glad to modify my Motion if there is any difficulty as to the Return. I hope the Government will consider the propriety of appointing a Commission, by which a scheme may be worked out, which would save us from the jealousy that now subsists, and from the unsatisfactory state of our system as regards the confidence of the public. I use the word jealousy, because, if the Home Secretary should have occasion to interfere in the case of a sentence passed on some man of more note than usual, motives of a disingenuous and improper kind would in all probability be imputed to him.

Moved that an humble Address be presented to Her Majesty for, Return of the criminal sentences which have been wholly remitted or reduced or varied by the Crown under the advice of the Secretary of State for the Home Department during the last three years, distinguishing the cases in which the ground of interference was the supposed innocence of the parties, the severity of the sentence, or other causes.—(*The Lord Penzance.*)

The Earl of MORLEY: The noble and learned Lord (Lord Penzance) has entered upon a very large subject. When I saw the noble and learned Lord's Notice on the Paper, I had no idea that he would travel beyond the Return for which he has moved, and, therefore, I am not prepared to follow the noble and learned Lord through his statement, and I must confine my observations to that Return. I am afraid it will be impossible to grant that Return; and when I have stated the reasons for not granting it, I trust the noble and learned Lord will withdraw his Motion. In the first place, it is contrary to all practice that the Home Secretary should be called upon to give a general Return setting forth his reasons for the exercise of the Royal Prerogative of mercy. The Home Secretary does not constitute a court of appeal for the revision of sentences; he simply exercises the Royal Prerogative in cases where he thinks it fitting for him to do so. It would be establishing a precedent of a very dangerous and undesirable character if he were publicly to give the reasons for exercising the Royal Prerogative in all cases. In some individual cases which have been brought before the House of Commons, the Home Secretary has given his reasons; but to grant a general Return would be contrary to practice, and establish a dangerous precedent. The Return for which the noble and learned Lord has asked, extends over three years. In the early part of those three years the noble Lords opposite were in Office, and I venture to think it would be extremely difficult for the present Home Secretary to state the reasons which influenced his predecessors in exercising the Royal Prerogative. At the same time, I would point out to the noble and learned Lord that the production of this Return would occasion much labour and expense, and interfere considerably with the ordinary business of the office, without communicating to the House any really valuable information. As to the larger subject on which the noble and learned Lord has entered, I am at this moment unwilling to deal with it. There can, I think, be no question that the present system is not wholly free from objection; but I doubt much whether it would be improved by transferring the pardoning power from the Secretary of State to such a Committee as the noble and learned Lord proposes. There may be some points on which the exercise of the prerogative of mercy is not altogether satisfactory; but, on the whole, I do not believe that the public are dissatisfied with the manner in which it is administered. As to issuing a Commission to consider the propriety of constituting a tribunal, to be composed partly of legal elements and partly of lay elements, to which the exercise of the Royal Prerogative of mercy should be delegated, I am afraid I cannot hold out much hope that such a Commission will be issued at present. The question is one of very great importance, but it is not of great urgency, and I think public opinion should be a little more formed upon the subject before we should be prepared to investigate these questions. One of the most important elements of the prerogative of mercy is the facility and rapidity with which it may be exercised; but I think there would be considerable difficulty in assembling the numerously composed tribunal of appeal suggested by the noble and learned Lord, and of the numerous cases which now come before the Secretary of State to them. For the reasons I have adduced I must, in conclusion, appeal to the noble and learned Lord to withdraw his Motion.

LORD PENZANCE said, the noble Earl had misunderstood him. He had not proposed to transfer to any tribunal the prerogative of mercy now exercised by the Home Secretary; but had suggested that, instead of eking out justice by a resort to mercy, a criminal court of appeal should be formed, to which persons who felt aggrieved by a maladministration of the law should have a right of appeal; and which should investigate the case as a question of justice, altogether independent of the prerogative of mercy. Such a tribunal need not consist of more than two or three members; and it would no doubt be necessary that its proceedings should be prompt. It was right that a sentence should be reviewed; but this would be best done by a tribunal constituted for the purpose. He was sure the Government would willingly have acceded to the Return if there had been no difficulties in the way, and he could understand that it might be more voluminous than the occasion might warrant. He would not, therefore, press his Motion. But he ventured to think public opinion was more matured than the noble Earl supposed, and the dissatisfaction with the present system greater than he seemed to imagine. He could only, however, await the time when the present or any subsequent Government might think it right to take steps in the matter.

THE DUKE OF RICHMOND: I should not have taken part in this matter if I had not had an opportunity, while presiding for two years over the Royal Commission, to consider the advisability of abolishing capital punishment, of investigating the manner in which the prerogative of mercy is exercised, which subject naturally arose out of the evidence given by various witnesses who came before us. That Commission was composed of a great number of eminent persons, and we had the advantage of the evidence of several Judges of the land. I must confess that I cannot concur in the suggestion of the noble and learned Lord, that the power of the Home Secretary to exercise the prerogative of mercy should be altogether abolished, and vested in a court in lieu of the Home Secretary. [Lord PENZANCE: I did not say that.] The noble and learned Lord suggests that in lieu of the Home Secretary a court should be constituted, composed of several members, legal and others, who, in investigating cases, should be at liberty to put aside the rules of evidence. I am astonished to hear the noble and learned Lord, who has been himself a criminal Judge, propose that such a tribunal should set aside rules of evidence which had been most strictly abided by in the court below, where the case was tried and the person found guilty. The noble and learned Lord, I think, has lost sight of the difficulty that the tribunal he suggests would be a one-sided tribunal, because it would be for the benefit of the prisoner alone. A person who had failed to obtain a conviction might fairly say that his case ought to be tried over again; and if that were allowed, it would lead to a great many difficulties. I think that, on the whole, the present system works well, and that it is satisfactory to the country. The gentlemen who hold the office of Home Secretary are gentlemen of the highest repute and of the highest character. They are public men; they can be called to account for their conduct in the other House of Parliament; and the great force of public opinion would be against them if they did anything derogatory to their character. The documents for which the noble and learned Lord has moved would cast a slur on the way in which justice is administered in the country: he was, therefore, glad to hear that the noble and learned Lord would not press his Motion.

Lord LYVEDEN thought the noble and learned Lord had performed a useful task in calling attention to the revision, and particularly to the want of uniformity, of sentences. The latter was a very wide question, for it affected recorders, quarter sessions, and petty sessions, as well as the Judges, and it rendered punishment uncertain; for there was notoriously among the poorer classes a belief that particular Judges or tribunals were less severe than others, and that poaching offences were punished with more severity in some districts than in others. Some remedy ought to be applied to this, and he thought it would be very desirable if the Home Secretary would introduce an Act limiting in some mode the discretion at present exercised in the administration of criminal justice throughout the country.

The LORD CHANCELLOR: The subject which my noble and learned Friend (Lord Penzance) has brought before your Lordships' attention is one which has undoubtedly occasioned much anxiety and consideration on the part of all those who have had anything to do with the administration of the law; but, at the same time, I listened in vain, though I looked anxiously, for any distinct remedy; nor do I think that he has made out at present a state of things at all encouraging for the issue of a Commission of Inquiry. My noble and learned Friend spoke of the large discretion which is vested in the Secretary of State with reference to the prerogative of mercy, and he proposed to take, in the first instance, that which undoubtedly exercises the public mind greatly—the case of punishment of death. It is true, as my noble and learned Friend says, that an extraordinary amount of sympathy is felt for a criminal the moment he is condemned to death—though that feeling, I am happy to say, does not prevail among all classes. Numbers of people, who take a very decided view on the subject, are quite sure to urge upon the Secretary of State all that can occur to their minds towards a commutation of the sentence; and the Home Secretary has a very short time to decide whether the capital penalty shall or shall not be inflicted. But would the scheme my noble and learned Friend has suggested diminish that pressure? Those persons would resort to a tribunal which, I am inclined to think, would have a considerable amount of business come before it, and there would be much delay between the delivery and the execution of sentence. Now, all who have gone into the subject of punishment are agreed that to be effectual it should be speedy as well as certain, and nothing produces a greater effect on a criminal's mind than to find that, as sometimes happens, only a few days intervene between the commission of the crime and the trial, and only about a week between the latter and the execution. The terror caused by this speedy determination is one of the most effective means of impressing the criminal class. Now, this would be fatally interfered with if those desirous of interfering with a sentence had to apply to a tribunal for the purpose of re-hearing the case. My noble and learned Friend objects to the *ex parte* applications made to the Home Secretary; but it would be exactly the same with the tribunal he proposes—for probably persons would not go before it to aggravate the case of the prisoner by producing evidence which they might possess more serious than that given at the original trial. If, however, they did so, it would not, I apprehend, give any great satisfaction if it were proved that the punishment ought to be greater than that which was originally imposed. My noble and learned Friend disclaims any intention of confusing the re-hearing of a case with the prerogative of mercy; but he has not pointed out any mode by which those two functions can be reconciled in the inquiry he suggests; and his proposal that the Commission should not consist entirely of lawyers, and should not be bound by the strict rules of evidence, gave me the impression that mercy was to intervene. Such a tribunal would diminish the speed of punishment; it would not increase its certainty, and I am sure it would not give satisfaction to the public. My noble and learned Friend referred—and there I am more disposed to concur with him—to the different temperament of those who are called upon to pronounce sentence on criminals. There are seventeen Judges, the chairmen of quarter sessions, recorders, and others. It would be preposterous, however, to award a strict sentence in every case, without the least regard to the particular circumstances; and if this tribunal is to revise sentences, of how many persons is it to consist, and how are you to secure unanimity? How are you to guage the feelings of those who are called upon to act? The legal portion of the tribunal might possibly lean in one direction, and the lay element in another, and it would be difficult to secure a unanimous opinion. The mode of proceeding before the Secretary of State is by no means perfect, and I should be thankful to see our way clearly to the probability of substituting something better, so as to justify the appointment of a Commission; but I see no such probability. It is true that the Home Secretary is changed from time to time, and that might be an objection; but there is always a permanent Under Secretary; and although the present Under Secretary is comparatively new to his office, he is, I have no doubt, a gentleman well qualified to exercise the duties entrusted to him. The late Under Secretary, Mr. Waddington, was a gentleman remarkable for his care and accuracy, who conducted all these inquiries with scrupulous ability and accuracy, and I have no doubt his successor will be equally conscientious. Moreover, when these cases come before the Home Secretary, that eminent functionary always, in the first instance, refers to the Judge who tried them to ascertain whether he is satisfied with the verdict. In particular cases other matters are inquired into, but those cases are extremely few. In some of them the delicate and difficult question of the state of the criminal's mind is raised, in which experience proves there is obviously a large margin for difference of opinion; but this would not be improved by requiring all evidence to be on oath, for on matters of opinion there will always be great variety of opinion; and the oath is no security, because a man giving his opinion may honestly swear that he believes so and so. Certificates, therefore, are just as valuable, whether they are on oath or not; and the only other evidence is that occasionally given by friends and relatives as to the convict's state of mind at former periods—matters which are not of such difficult solution as may at first sight appear. It is, therefore, a question whether the present system, under which we have the one mind of one responsible officer to bear on such questions, is not, after all, a more satisfactory system than the one proposed, under which there would be many minds and, probably, a great variety of opinion to be encountered. At present the functionary, to whom this duty is confided, having ample assistance, is able to consider this subject without delay. He is, moreover, a responsible Minister of the Crown, and is therefore accountable to Parliament for the manner in which he discharges his duties; whereas the tribunal suggested by my noble and learned Friend would consist of men of different minds, who would, probably, come to different conclusions, who would not be accountable to Parliament, and whose responsibility, being divided, would not be so strong. Seeing, therefore, that my noble and learned Friend, whose experience in criminal law is much larger than mine, has not been successful in suggesting a satisfactory expedient, and that the time has not yet arrived when the evils are so great as to demand an immediate inquiry, I am not disposed to think that the appointment of a Commission would lead to a satisfactory solution of what is, doubtless, a difficult and intricate question.

Lord PENZANCE said, he had been under the impression that, in exercising the prerogative of mercy, the Secretary of State was not granting a favour; but was dispensing in that form more perfect justice, by taking into consideration circumstances unknown or insufficiently weighed at the trial. With regard to the tribunal, he did not tie himself down to any particular constitution; but he desired that it should act in the name not of mercy but of justice. If extenuating circumstances existed, they should be considered as justice. In his opinion, an inquiry before an open court and in the light of day was a far better tribunal for a re-investigation of the facts connected with a particular case than a purely private inquiry by a Minister of the Crown, of the nature and details of which the public were kept in utter ignorance. The evidence adduced before the court he had suggested need not be strictly legal evidence, but the court would have power to ascertain the truth from all sources of information. The legal rules of evidence were laid down for the purpose of excluding improper prejudice from juries, but in the courts of chancery, and sometimes even in courts of law, those rules were not strictly observed. He would not, however, press his Motion.

Motion (by Leave of the House) *withdrawn.*

KILDARE CHAPEL.

MOTION FOR A PAPER.

The Marquess of CLANRICARDE moved for, Copy of the Reports furnished to the Irish Government of Notices posted at and about the chapel of Kildare, calling for a meeting to discuss the conduct of the Duke of Leinster and his agent towards certain of his tenants, and of the meeting and the speeches made thereat after mass on the 25th March in the chapel yard. He was quite aware that the matter to which he referred might be deemed one of a private character, and not such as Parliament usually took cognizance of, and he would not have troubled the House with it if it had reference only to private affairs and the management of private property; but it related, in point of fact, to a subject which had been discussed in a meeting of the lowest class of the population, and in nearly every newspaper published in Ireland. And considering the present condition of Ireland, and the nature of the legislation before Parliament as a consequence thereof, he held it to be a matter of the highest importance that their Lordships should be made acquainted of the real facts of this case, as connected with the state and condition of the relations existing between the landlords and tenants in that country, in order that their Lordships might be better able to consider the nature and bearings of the measures about to be submitted to their judgment for the solution of some of the many difficulties that affected Ireland. Before he proceeded to detail the facts of the case which he desired to bring under their Lordships' notice, he wished to say that he was not there to presume to attempt any vindication of the character of the Duke of Leinster. The character of that distinguished Nobleman was acknowledged by all parties of all creeds and classes to be remarkable for great benevolence and patriotism, and for a high sense of justice and wisdom in the conduct of his private affairs. The same qualities of mind adorned his speeches when he took part in public affairs, which, unfortunately for the general interests of the kingdom, was very seldom. The case to which he would now refer was one of public notoriety in Ireland; and the particulars of it were published in all the Irish newspapers, and commented upon by several of their writers in such a way as to excite the worst passions and feelings of the Irish people. In and around Kildare there were certain lands belonging to the Duke of Leinster. About the middle or close of the last century leases of these lands were granted to a number of persons; and some of the under-tenants, the present occupants, were persons of the lowest class of tenants. One of these leases expired on the 25th March last. A few days before that notices were posted upon the doors of the chapel of Kildare, by the authority of the parish priest, calling a meeting of the inhabitants, especially of labourers, on the 25th of March — Lady-day — or the Feast of the Annunciation, that day being one generally observed by the Roman Catholics with great solemnity. Now he was not about to assail the character of the Roman Catholic clergy. He had the happiness of knowing many of the Roman Catholic priests of Ireland; and, as a body, he could bear personal testimony to the many good services they had rendered to the public and in the interests of peace and order. He, for one, felt much obliged to them for their interference—not in private affairs—but in matters involving the general well-being of the population by which he was surrounded.

There were, however, unfortunately, some exceptions to this general rule of conduct on the part of the Roman Catholic priesthood of Ireland — exceptions which became especially prominent during the last few years. The notice posted on the chapel of Kildare, and circulated in the neighbourhood of the town, was in these terms—

> "The inhabitants of Kildare and its surrounding neighbourhood—particularly the lower classes —will hold a meeting on the 25th inst. in the chapel yard of Kildare, for the purpose of peaceably and legally taking such measures as are likely to give protection to the poor families who are to be dispossessed from their little homes on Saturday next. Father Nolan will address the meeting."

Now, this notice contained three statements—the first that the inhabitants were to hold a meeting in the chapel yard on Lady-day; the next was that some poor families were to be turned out and dispossessed of their holdings on that day; and the third was that the labouring classes were to attend the meeting, and to take such measures as were likely to afford protection to the poor families alluded to. But what were the real facts of the case? Every man in Kildare must or might have known that the leases would terminate on the 25th of March, and that no notices whatever to dispossess or remove any persons or family from their holdings had been, or needed to be, served by the Duke of Leinster, or any person acting on his behalf. For some time every effort made by the Duke of Leinster and his agent to improve the homes and conditions of those poor tenants had been rejected. Nevertheless, his Grace instructed his agent not to serve a notice to quit upon any one of the tenants, nor to say or do anything to them that could be construed into a menace, whilst pursuing his inquiries into the circumstances of every tenant—inquiries which were set on foot with the view solely of bettering their condition. Emigration was suggested in the case of the very poorest, upon the understanding that means would be furnished them to do so, and to better their condition in another country; but this offer was by some rejected. Now, so determined was the Duke of Leinster not to disturb any one of them without their own free will, that he even exposed himself to much unjust censure for allowing some of those people to remain in the wretched condition in which they were found. It was also to be observed that, according to the provisions of the Poor Law of Ireland, a landlord who contemplated the eviction of any of his tenants was obliged to send a copy of his notice to quit to the Poor Law authorities; and unless that was done, no notice to quit served upon his tenants would be legal. Now, nothing of the kind had been done in this case. Though he (the Marquess of Clanricarde) did not happen to know all the facts, yet he could venture to say that nothing of the kind complained of had taken place on the part of the Duke of Leinster. It should also be borne in mind that the neighbourhood where this meeting was called was by no means a quiet one; that it adjoined the county of Meath, and that in this county the agent lived. These circumstances should be considered when it was asked what was the object of assembling a meeting of labourers, and making these attacks upon the landlord and his agent. Now, it happened that this very gentleman who made an inflammatory speech at the meeting against the Duke and his agent was residing in a house which was given by the Duke rent free for the parish priest. His predecessor applied to the Duke for a house and grounds for the priest, and his Grace gave all he could give—the reversionary interest, subject to a merely nominal rent. This was not all; for fields were let to the priest at a rent far below what other people would have been willing to pay for them; but for the two-and-a-half years that Mr. Nolan had been in the parish he had not paid 1*s*. rent, and said that he would not pay any. Now, it did not look well for a defaulting tenant to assemble the people together and lay the case before them, at the same time misstating and falsifying the facts in every way likely to excite them. The matter had been treated upon in all the newspapers in Ireland, and he understood that it had also been reported upon to the Government. He wanted this Report to be produced, so that their Lordships might have before them official information upon the facts that he had stated; and, further, the whole thing was illustrative of the state of society in Ireland, and of the present condition of the relations between landlord and tenant, and of the position of persons having local authority, and the matter would be well worthy of their Lordships' study when they should be called upon to adopt permanent legislation for Ireland.

Moved that there be laid before this House' Copy of the Reports furnished to the Irish Government of notices posted at and about the chapel of Kildare, calling for a meeting to discuss the conduct of the Duke of Leinster and his agent towards certain of his tenants, and of the meeting and the speeches made thereat after mass on the 25th instant in the chapel yard.—(*The Marquess of Clanricarde.*)

LORD DUNSANY said, he quite agreed that it would be altogether superfluous to say one word in vindication of the character of the Duke of Leinster; but he might be allowed to say that the Duke's agent, Mr. Charles Hamilton, occupied a very responsible and a very dangerous position in Ireland. His life had been placed in danger by the licence that Roman Catholic clergymen gave themselves in denouncing persons in his position. He (Lord Dunsany) was well acquainted with Mr. Charles Hamilton, the agent of the Duke, and also agent for other large properties. In all he was agent over not less than 100,000 Irish acres, and there was no man who less deserved the ill-treatment which he had received from the Roman Catholic clergy. He hoped that their Lordships would not think that it would be beside the question if he said something on the subject of those altogether indefensible altar denunciations. It had been stated from the Treasury Bench that in no civilized country would such outrages as those perpetrated in Ireland be permitted; but it should be said also that in no civilized country were such incentives to outrage permitted. The practice of priestly denunciations was by no means new. He had recently read in the evidence taken by the Committee on the Rockite Outrages, so long ago as 1821, the examination of a priest, who was asked whether he had not denounced a man from the altar who was afterwards murdered. He said he had; he denounced him on the Sunday and he was murdered on the Monday. If the reporter had been a Frenchman he would no doubt have added "great sensation." Since the introduction of the Peace Preservation Act a priest had been alluded to who had denounced a man from the altar, and who had since been murdered; and the murder of a station-master on an Irish railway had also followed closely upon a denunciation. The fact that a priest encouraged landlord murdering was really serious, and now that measures were under consideration for the pacification of Ireland it was time to consider also whether this barbarous practice should be tolerated any longer. The increasing endeavours of the Roman Catholic clergy in Ireland to exercise unauthorized powers over land, an instance of which may be found in the recent letter by Dr. Nulty, Bishop of Meath, ought to be checked. It was no slight thing that Mr. Hamilton, who was just, liberal, and business-like, should be forced to reside in Dublin in order to preserve his life. He hoped Her Majesty's Government would take into consideration how far altar denunciations could be interfered with, and what steps they ought to take to put a stop to them.

LORD DUFFERIN said, he did not rise for the purpose of prolonging this discussion. The character of the Duke of Leinster had been amply vindicated; but as the noble Marquess concluded his remarks by moving for Papers, it was necessary for him (Lord Dufferin) to state that no official information has reached the Government of the matter to which he referred, and if a police report of it had been presented, it would be impossible for him to comply with his request, because, as he had already explained on a previous occasion, it was not the custom to lay confidential police reports before Parliament.

LORD DENMAN said, that on the Crime and Outrage Bill the late Lord Brougham, in 1847, had given it as his opinion that where an altar denunciation had been followed by the murder of the person denounced, the priest who had made the denunciation would be guilty of being an accessory before the fact. He thought that in disturbed districts under the Peace Preservation Act a provost marshal, as recommended by the poet Spenser, might have been authorized to execute summary justice on assassins; and allusion having been made by the noble and learned Lord on the Woolsack, on the noble and learned Judge of the Probate Court's (Lord Penzance's) Motion that evening, to the necessity for execution soon following a sentence, he might also refer their Lordships to the late Lord Brougham's opinions, in the same year, on confession and absolution, and the necessity of preventing all access by priests to criminals after sentences. This might seem very severe; but it must be recollected that assassins had sent their victims into the presence of their Creator without any time for thoughts of eternity; and it must be fresh in the recollection of their Lordships that some of the priests themselves had threatened to deprive those who voted in the last election, against their wishes, of both confession and absolution, and so they could not complain—especially as Lord Brougham declared that assassination had been put a stop to by Napoleon I., by Sir T. Maitland, and the Marquess of Wellesley by this step. He hoped that it would be long before the county of Kildare followed the example of the county of Meath.

THE MARQUESS OF CLANRICARDE thought the noble Lord (Lord Dufferin) was wrong in stating that it was not the practice to lay Irish constabulary reports upon the Table. He had known instances of reports of this description of the most private nature laid upon the Table. It had formerly been the practice to refuse Foreign Office Papers on the same ground; but now that Department frequently printed even documents which were marked "secret" and "confidential." After what had been said by the noble Lord, however, he begged to withdraw his Motion.

Motion (by Leave of the House) *withdrawn.*

House adjourned at Seven o'clock,
'till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 4th April, 1870.

MINUTES.] — NEW MEMBER SWORN — Samuel Boteler Bristowe, esquire, *for* Newark.
SELECT COMMITTEE—Pawnbrokers, *appointed.*
PUBLIC BILLS—*Second Reading*—Petty Customs (Scotland) Abolition * [72].
Select Committee—Felony * [9], *nominated.*
Committee—Irish Land [29]—R.P.
Committee — Report — Survey of Great Britain, &c. * [90]; County Courts (Buildings * [91].
Third Reading—Oyster and Mussel Fisheries Supplemental * [34], and *passed.*

Lord Denman

NAVY—DOCKYARD SUPERANNUATIONS.—QUESTION.

MR. STONE said, he would beg to ask the First Lord of the Admiralty, Whether the following statement is true:

> "A.B., a labourer in Deptford Dockyard, applied for superannuation on the reduction of that establishment, having the means of earning a livelihood in the town of Deptford. He was refused superannuation on the ground that he was too young and healthy, and was sent to Portsmouth, where he has been for only twelve months. He has now been ordered for discharge, though he has a wife and seven children; and, on asking the reason, he was told by the clerk in the cashier's office—' You are a Liberal, and voted for Gladstone; it serves you right ?' "

MR. CHILDERS: Sir, my hon. Friend asks me whether it is true that A.B., a Liberal dockyardman, who had been removed from Deptford to Portsmouth, was, when discharged, told by a Conservative clerk in the cashier's office that it served him right for voting for my right hon. Friend at the head of the Government, who represents the borough of which Deptford forms a part. I suppose that Conservative clerks are not always well instructed in modern history; and it is, I dare say, true that this particular gentleman may have thought that Deptford Dockyard was closed by order of the present Government; whereas, the House knows that, in fact, the late Government decided its fate. But I suppose that the purpose of my hon. Friend's Question is to know whether, in our opinion, political considerations influence the discharge of workmen, and I am happy to be able to say that, although the present head of the dockyard at Portsmouth, who was appointed by myself last year, may possibly be a Conservative, I am confident that no one could act with more thorough impartiality in these matters, and I feel sure that there is no foundation for any suggestion to the contrary.

MR. STONE said, the right hon. Gentleman had not answered the question as to the truth of the statement contained in the Question.

MR. CHILDERS: I do not know who A.B. may be; but no one is entitled to superannuation under a certain number of years' service, and I can only suppose that this was the case with him. I have heard of no complaint that where due it has been refused.

JAMAICA—THE LATE G. W. GORDON.

QUESTION.

SIR **CHARLES W. DILKE** said, he would beg to ask the First Lord of the Treasury, Whether, having regard to the circumstances attending the military Execution of the late Mr. G. W. Gordon, a Member of the Legislature of Jamaica, and to the injury done to the property of his widow, he is prepared to consider the justice of making some compensation to Mrs. Gordon for the grievous losses and sufferings she has sustained?

MR. **GLADSTONE**: With respect, Sir, to the military execution of Mr. G. W. Gordon, it will be remembered by the House that that matter was left in a condition in which the legal rights were never brought to a distinct and final issue. With respect to "the grievous losses and sufferings" Mrs. Gordon has sustained, as far as regards the injury done to the property of the widow, no evidence tending to prove, or sufficient to prove, either the nature or the extent of any such losses has been ever placed before me. Upon the whole matter, having given it the utmost and best consideration in my power, I do not think either that it would fall within the ordinary purview of the Civil List Pension Fund, or that the case is one in which it would be consistent, with the duty of the Government, to make an application to Parliament.

TURKEY—THE SPORADES ISLANDS.

QUESTION.

SIR **DAVID WEDDERBURN** said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether there has been any recent Correspondence between the Ottoman Government and that of Her Majesty relative to the alleged oppression exercised by the Turkish officials upon the Christian inhabitants of the Sporades Islands; and, whether there is any objection to laying such Correspondence upon the Table of the House?

MR. **OTWAY** said, in reply, that there had been no recent Correspondence on this subject between the Government and the Ambassador at Constantinople; but a Consular officer some time since suggested to the Government certain measures which might be adopted for removing the real ground of complaint from the islanders, expressing, at the same time, his conviction that the commotion was due in a great measure to the influence of certain persons in London. Several communications had been addressed to the Foreign Office on the part of these persons; but they were not of sufficient importance to be laid on the Table of the House.

ARMY—UNATTACHED PROMOTIONS.

QUESTION.

VISCOUNT **CRICHTON** said, he would beg to ask the Secretary of State for War, Whether the unattached promotions about to be given in the Army are to be given only to the senior Officers of each grade, without reference to special qualifications or distinguished service in the field?

MR. **CARDWELL**: Sir, in the ordinary course of unattached promotions His Royal Highness the Field Marshal Commanding-in-Chief considers the claims of the several officers, and recommends them to the Secretary of State accordingly; but in the present instance of absorption they had been offered, in the first instance, by seniority.

HYDE PARK—THE SERPENTINE.

QUESTIONS.

CAPTAIN **DAWSON DAMER** said, he wished to ask the First Commissioner of Works, If, while the works of the Serpentine are still in progress, it is not feasible and even expedient to take steps to render the borders of the lake more picturesque, and to do away with its tank-like and rigid outlines, which extend up to Kensington Garden Bridge, by throwing out promontories here and there, and if possible by creating an island, and as material being now at hand the expense cannot be very great?

MR. **W. O. STANLEY** said, he wished to ask the right hon. Gentleman, If he will submit for the consideration of the Medical Officers of the Board of Health and some land surveyor of experience in drainage operations, or other competent authorities, the present mode of depositing the noxious mud and clay taken out from the Serpentine River, in the deep excavations from which the gravel has been removed, more particularly in Kensington Gardens, to the depth of five feet, without any adequate drainage; and to obtain their opinion, if the health of all those persons who may frequent the Park and Gardens may not be seriously endangered in wet seasons from the want of the natural drainage through the gravel subsoil, and in summer heat from the noxious exhalations of the fermenting deposit?

Mr. AYRTON said, in reply, that the contract for the works to which these Questions related were entered into before he took charge of the Office of Works, and when his attention was called to it, undoubtedly it appeared that the margin of the ornamental waters in the Serpentine would be of a somewhat formal character. He therefore requested the engineer to make it, as far as he could do so consistently with the contract, a little more ornamental. But people differed as to what was ornamental, some believing that a stone margin, and some that the natural margin, was the better. The contract had now gone so far that he feared it was impossible to make any serious changes without leading to a large increase in the expense and considerable delay. He had not, therefore, ventured to re-open the contract to the extent suggested in the Question of the hon. Gentleman opposite. With regard to the mud taken out and deposited in the place whence the gravel was excavated, the subject was carefully considered by Mr. Fowler before he recommended this mode of carrying on the works. It occurred to him, as a practical man, to be very desirable that the mud should be carted away and sold as manure; but, unfortunately, that could not be done. If the mud were carted away at the expense of the public, the expense of the work would have been at least doubled; but Mr. Fowler's experience suggested that if the mud were worthless as manure, it could not be of any supremely deleterious character. The drainage under the mud had, therefore, been carefully provided for; a good deal of lime had been mixed with the mud, and would be spread over it as far as was necessary to prevent it from being injurious to health; and the ground would then be covered with turf and planted. The same operation had been performed in the Regent's Park, under less favourable circumstances, because upon a clay soil, and no one had discovered that any injury had been caused to health. But the work would be carefully watched, and if there was any reason to apprehend injury to health, it must be prevented at any cost to the public.

DOMINION OF CANADA—RED RIVER SETTLEMENT.—QUESTION.

Mr. SINCLAIR AYTOUN said, he wished to ask the Under Secretary of State for the Colonies, Whether there is any truth in the report that Imperial Troops are to be sent to the Red River Settlement; and, if so, whether he has any objection to lay upon the Table Copies of any Correspondence on the subject between the Colonial Office and the Governor General of Canada?

Mr. MONSELL said, in reply, that as the Correspondence in reference to the Red River Settlement was not concluded, it would not be convenient at present to lay it on the Table; but he might inform the House that, in consequence of the disturbances at the Red River Settlement, the Government of Canada had asked that a small body of British troops should be employed in the first establishment of the settlement. The Red River Convention had also requested that British troops might be sent to preserve peace between the different sections of the community. Complaints had also been made by the Government of the United States of thefts committed by persons residing at the Red River Settlement upon their citizens. Under these circumstances, the expediency of despatching a small body of troops was under the consideration of Her Majesty's Government; but no definite arrangement had yet been made on the subject.

THE TELEGRAPHS DEPARTMENT.

QUESTION.

Mr. CRAWFORD said, he would beg to ask the Postmaster General, in the absence of the Chancellor of the Exchequer, Whether the sum of £100,000, entered as a receipt on account of "Telegraphs" in the published statement of Revenue for the quarter ended 31st March, was in respect of messages only, or included money received from any other source; also that he will state the number of messages forwarded for the public by the Department down to the 31st March, and the amount of money received and receivable on account thereof?

THE MARQUESS OF HARTINGTON said, in reply, that the sum of £100,000, entered as a receipt on account of "Telegraphs" in the published statement of Revenue for the quarter ended the 31st March, was made up of sums received in payment for messages, and for the proceeds of postage stamps sold on account of such messages, and did not include the sum due to the Revenue on account of the Press messages or the rents of private wires. The total number of messages forwarded by the Department up to the 31st March was 1,160,000, inclusive of messages received by the Department for transmission abroad; but exclusive of the messages received from abroad for distribution by the Post Office.

BIRMINGHAM—POOR LAW GUARDIANS.

QUESTION.

MR. DAVENPORT said, he wished to ask the President of the Poor Law Board, Whether he is aware that the opinion expressed by the Poor Law Board in their Letter to the Guardians of Birmingham last year, that the reduction of the numbers of medical officers from eight to five was injudicious, has not been acted upon, and that one medical officer has still to attend to the wants of a population 44,000 in number; and whether the Poor Law Board have taken or propose to take any steps to remedy this state of things; whether the population of the medical districts in Birmingham exceeds that prescribed by Article 159 of the General Consolidated Orders of the Poor Law Board; and, if so, to what extent, and what special reasons exist why the terms of that General Order have not been enforced; and, why the medical officers of Birmingham are elected annually, and not permanently, as recommended by the Select Committee of this House, appointed in 1854?

MR. GOSCHEN replied, that the circumstances to which the hon. Member alluded would be set out fully in the correspondence for which he had moved. Last year the Board of Guardians of the Birmingham Union had reconsidered their medical arrangements and reduced the number of medical officers from eight to six, inclusive of a public vaccinator, but they had materially raised the salaries of those officers and made the medical relief districts coincide with the ordinary relief districts. The Poor Law Board was doubtful as to the expediency of such an arrangement; but it had been pointed out to them by the guardians that an average of previous years showed that the medical officers would not have more than sixteen cases a day to visit at the homes of the patients; and the result of the first half-year's trial showed that the daily visits amounted to sixteen and a-half. He had not yet learned the result for the whole year, and when he had he should be in a position to consider whether the arrangement should be continued. With regard to the General Consolidated Order, he must point out to the hon. Gentleman that this Order was not in force in Birmingham, and there were many other populous parishes where it was not in force. As regarded the annual election of medical officers, the case was much the same; but it appeared to him that the argument was in favour of extending to Birmingham the provision with respect to the permanent appointment of medical officers.

COUNTY COURT JUDGE OF NORFOLK.

QUESTION.

MR. HAVILAND-BURKE said, he wished to ask Mr. Attorney General, What is the result of the communication which has been made to the Lord Chancellor respecting the committal of a juryman by Mr. W. H. Cook, County Court Judge of Norfolk; and, if it is with the sanction of the Lord Chancellor that Mr. W. H. Cook has been appointed a Magistrate for the county of Norfolk, and as such took his seat on the 22nd March, regardless of the Report made by the Commissioners appointed to inquire into Corrupt Practices at Beverley, and pending the decision of the Lord Chancellor as to the committal of the juryman?

THE SOLICITOR GENERAL, in reply, said, a communication was addressed by the Lord Chancellor to Mr. Cook on the subject, and Mr. Cook had sent to the Lord Chancellor a reply, in which he said the reports in the two Norwich papers were substantially incorrect, and, when the facts of the case were known, it would be seen he was not open to the censure which had been passed upon him. He proceeded to state that the action in question was brought to recover £20 upon an I O U, and the defence set up was that, instead of being borrowed, it had been paid for repairs done by the defendant as a house carpenter; but the defendant himself admitted that, failing to obtain an advance upon the work, he accepted the money as a loan and gave an I O U, and his advocate, declining to accept that statement, went to the jury, who found for the defendant in the face of his admission, the foreman stating that they considered the plaintiff ought to be nonsuited—a declaration which was received with laughter. Nothing further took place, except that Mr. Cook intimated that he would not allow such a verdict to stand, whereupon the counsel for the defendant insisted upon its being recorded, which the Judge said had been done. A settlement of this matter was then attempted between the counsel and the Judge; but the plaintiff not being satisfied, the interference was in vain. After some discussion the Judge remarked, in answer to a question as to a new trial, that when a jury returned a perverse verdict the trial ought to be removed to a district where local prejudice could not affect the result. Thereupon the foreman said—"I consider your remarks are most unjustifiable," and the Judge committed him for contempt of court. He afterwards accepted an apology and countermanded the order; but an explanation given in the local papers was not uttered by the foreman at the time, nor would it have been considered an apology if it had been. The Lord Chancellor, in a further communication, said it did not appear necessary that he should take any further steps in the matter. It was on the 16th of October, 1869, a date long prior to the Report of the Commission, that the Lord Chancellor, acting on the recommendation of the Lord Lieutenant, in accordance with the usual custom, appointed Mr. Cook and other magistrates; Mr. Cook did not appear to have taken his seat until the 22nd of March; but that was a matter with which the Lord Chancellor had nothing to do.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress 1st April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Compensation in absence of custom).

Mr. DISRAELI: Sir, the Amendment to which I am now going to call the attention of the Committee is the one I originally gave notice of, and which then bore reference only to a secondary portion of the clause—secondary in its position in the clause, and secondary, also, in its general character. In so doing I considered I was acting in the spirit of that engagement which I voluntarily made with the right hon. Gentleman the First Minister at the commencement of the Session; I said then, and I was empowered to say it by those Friends whom I had an opportunity of consulting, that his Land Bill would receive from this side of the House a fair and impartial consideration; and, for myself, I ventured to say something more, and to assure him that assuming, as I did with the utmost confidence, that it would be a just and equitable measure, and would aim only at accomplishing that which was necessary, and not that which was fanciful and theoretical, it would receive from me a cordial support. When the Bill was introduced, although on a subject of such great importance, and necessarily of so complicated a nature, and including so many provisions and proposing so many arrangements as the present Bill, it could hardly be supposed that I should be able to give to every line a complete adhesion, still, I took the opportunity of consulting those Friends who honour me with their confidence, and I found they agreed with me in opinion that in dealing with a measure of this character it became us to take a large and liberal view of the proposals of the Minister; and though it might be our duty to attempt modifications of those principles whenever we thought modifications necessary, and to object to the assertion of any principles which we thought dangerous, still, we believed that, on the whole, we should be able to offer a general and sincere support to the Minister in bringing this measure to a successful issue. Under these circumstances I offered no opposition to the second reading; but I cannot conceal my vexation at the present moment that, after having made that engagement at the commencement of the Session, and after the Bill has been treated by both sides of the House with an absence of party feeling, I find myself unexpectedly leading an opposition to the measure of the right hon. Gentleman opposite on an essential question. And yet I am only going to propose what I believed to be an insignificant Amendment when I gave notice of it, and which only applied to a secondary and less important portion of the clause now under consideration. How has this happened? We may always be deceived in the judgment we form of our own conduct; but I believe I am not rash in thinking that the fault is not mine. The truth is, that since we have gone into Committee, there has, unfortunately, been pursued on the part of the Government, though we have only passed one section, a course which has given a new character to their proposal, and which calls on us most seriously to consider the position we now find ourselves in with respect to the general character of the measure.

Let me recall the attention of the Committee to the precise change which has occurred, and which has led us into the new position in which we are placed. I am not going to enter into any discussion of the merits or demerits of the Ulster tenant-right. The Government thought fit to legalize the customs of Ulster, and I expressed my opinion, on the second reading of the Bill, that the proceeding was unnecessary, impolitic, and inexpedient. It seemed to me that the Ulster customs were strong enough to assert for themselves all that was good and beneficial in their character, and that they might be left to be administered by all the parties to them, and that there were general objections to legalizing customs of this kind. The Ministry, however, maintained their policy; and though I objected to it, I did not divide the House against it, for it appeared to me to involve no principle which should prevent me from supporting the measure, and from assisting the Ministry to carry their Bill. During the discussions the right hon. Gentleman and his Colleagues, in an able and eloquent manner, combated various other proposals that were made to them, and declared that it was impossible to extend the Ulster customs, as some of their supporters desired, to other parts of Ireland; and that resolution was received with warm approbation on both sides. Well, what has happened with regard to the second clause? A new clause is to be brought in. What is that new clause? It is a clause which virtually extends the Ulster custom to the other parts of Ireland, exactly opposed to the whole policy which, for a week, we expended our energies in supporting; and, indeed, I fear it will lead to a great disturbance of arrangements and inconvenience to both landlords and tenants in other Provinces of Ireland. Now, Sir, when we are urged to lose no time in passing this measure, and when, in the absence of gentlemen of the long robe who are at the Assizes—in the absence of some of the most valuable Members on both sides who must be at quarter sessions—in the necessary absence in the morning of men of intelligence and experience who from their business engagements cannot be present; when we are urged to fix Morning Sittings for the discussion of this measure, and Divisions are taken on that subject—Divisions which in my memory were never taken under similar circumstances before—I cannot but remember the week that was lost in resisting the proposal for the extension of the Ulster custom to the rest of Ireland. This is a great change which has been made in the measure since the second reading.

Well, then, Sir, when this Bill was first brought forward, when its elaborate and complicated scheme was unfolded, when the House and country were made aware of the frequent invasions which it proposed upon the privileges of proprietors, and in some degree, no doubt, upon the strict rights of property itself, there was one proposition which was much descanted on, which was enforced with great ability, and on which many arguments which recommended the Bill to both Houses rested, and that was this—that it would be in the power of proprietors to defend and exempt themselves from all these new, certainly vexatious, and, in many cases, perilous invasions by conceding a lease to the tenant. And that proposition, I am bound to say, was most favourably received by this side of the House, and I have reason, from what I observed, to believe it was not unpopular with the majority on the side opposite. That proposition was received with great favour, and much opposition to the general details was obviated by its proposal. There was one considerable objection raised even to that compensatory proposal in the Bill. It was thought that a lease of thirty-one years expressed a term too long for the circumstances and the occasion; and hon. Gentlemen especially connected with Scotland said they did not understand why a lease of thirty-one years should be required, while in their country, with a lease of twenty-one years, or even of nineteen years, intelligent men possessing large capital did not hesitate with that security to expend that capital even lavishly on the cultivation of the soil and the improvement of property. There was a proposition about to be made to reduce that term to twenty-one years, but, in unison with the feeling we had of supporting the Government as much as we possibly could, and avoiding opposition on all points in which principles of primary importance were not involved, I requested my Friends not to insist on that point, but to accept the proposal of the Government. What happened on this proposal of the Government, which practically reconciled many to the principal provisions of the Bill? Without notice, silently, and availing himself merely of the mechanical regulations of the House, the Chief Secretary for Ireland withdrew that clause before it was even discussed, and, so we find again, on an essential point the measure, which was to be carried, if possible, unanimously, and which certainly the vast majority on both sides were anxious to support, was changed in this important respect.

Now, Sir, I come to Clause 3, which is virtually the 2nd clause of the Bill; and let me remind the House in popular language, without troubling them to read the Bill, what is the object of the 3rd clause as it appears still in the unaltered Bill. The 3rd clause, in its primary and most important object, was to secure compensation to the tenant for his improvements—a subject on which, I will venture to say, both sides of the House were unanimous: the marrow of all Land Bills—the result on which investigation and discussion have enabled the country to arrive at a mature conclusion, and which, if secured, would, in my opinion, do all that in justice is required. That it should be done completely, that it should be done liberally, that it should be done in a manner by which the spirit of our legislation could not be evaded, but that the tenant should be secured in the full usufruct of all his improvements—that, I say, was the marrow of all Land Bills; and if only that were effected we should effect all that justice required. But, Sir, this clause, while it contained this primary subject, which might fairly and popularly be described as a clause which secured compensation to the tenant for his improvements, also went on to say that compensation should be given for the loss sustained by the tenant on quitting his holding. Now, Sir, these were ambiguous words. They were words evidently which did not refer to compensation for improvements, and it appeared to me necessary that these words should receive some definite meaning. Now, I am perfectly aware that in dealing with this question of the tenure of land in Ireland, after all the discussions that there have been, after all the attempts at legislation that have been made, and looking at the circumstances of the country generally in reference to this question, it is impossible for us to deal with this in a pedantical spirit; and so far as provisions which refer to existing engagements are concerned my opinion is that the House cannot be too liberal. I agree, therefore, that Her Majesty's Government were justified in their views, if they entertained such views, that on this subject of compensation for improvements, scrutinizing the circumstances connected with the tenure of land in Ireland, it was wise and well that if we did err we should err on the right side; that if we took steps to compensate the tenant on quitting his holding, that compensation should be of a complete character; and I was therefore perfectly prepared, irrespective of securing compensation for improvements, to take the ambiguous words of the Government and give them this interpretation—that instead of compensation on quitting his holding it should be—

> "In respect of unexhausted improvements made by him or any predecessor in title, and of interruption in the completion of any course of husbandry suited to his holding."

So that, besides having all improvements taken into account, besides receiving compensation for his improvements—the marrow of all Land Bills—the tenant should also, on quitting his holding, be secured the fair usufruct of any husbandry or skill in the tillage of the land which he had not yet received. Now, Sir, I consider that to have been a compensation beyond what mere justice required; but I think it was one which, under the circumstances of the case, a wise policy would suggest and sanction. Well, Sir, under these circumstances, I supposed I should have had to move that Amendment to-day, when, to my great surprise, Her Majesty's Government at the last moment proposed a change in this clause—a change which, so far as I can trace its consequences, after much consideration, gives altogether a new character to this measure; a novel character which, in my opinion, it will be wise for Gentlemen on both sides of the House well to deliberate upon before they sanction. The Committee will observe that this 3rd clause was chiefly and particularly a clause to secure compensation to the tenant for improvements; and it was followed by a sliding scale of the various amounts to which a tenant under such circumstances, quitting his holding and not having enjoyed the usufruct of his improvements, should be entitled. What is now the proposal of the Government? The Government have entirely discarded from this clause all parts of it which refer to compensation for tenant's improvements—the chief subject and marrow of all Land Bills; but they have not altered the sliding scale of compensation, or, rather, they have altered it, and made it more severe. They have extended and established it. This 3rd clause now figures in such a form that my Amendment, which was an Amendment to its secondary and least significant portion—namely, to that degree of compensation which should be given to a tenant for any loss incurred by quitting his holding—now becomes the principal portion of the clause; it becomes, in fact, the clause itself, and it takes this form, that compensation is to be given to any tenant at the termination of his lease, on the assumption that the termination of the occupancy is a grievance for which the tenant ought to be compensated. This clause, then, at present, is a clause which does not conceal that, in the opinion of the framers of this Bill, occupation involves a right of property. It is not brought in under any disguise of securing to the tenant compensation for improvements, or of establishing any liberal construction under which the tenant would not only obtain compensation for the improvements which he had made, but the usufruct of all his exertions would be secured to him; it positively states that the tenant who is disturbed in his holding is to be compensated for the loss which he may incur by that circumstance, according to a tariff of a much severer and much larger kind than the original tariff which was devised, no doubt, after the deliberation of many Cabinets, and with the advice of the wisest men in the most responsible positions, for the purpose of carrying out that which was the object of all Land Bills—namely, compensation to the tenant for improvements.

I will briefly touch upon the consequences of such an assertion, opposed as it is to all the fundamental principles of our legislation for the country generally. A fashion has grown up lately, in these Irish Bills, of considering the effect of any provisions with reference merely to Ireland, taking what is called an exceptional view of legislation. But I would impress upon the Committee that we must also consider what may be the results of such legislation upon England and Scotland. But before I touch on this subject I would venture to ask the Committee to consider what may be the practical effect even upon Ireland, of legislation such as this. The Committee are well aware, no doubt, of the character of this Bill, as amended by the proposition of the Government; they are in possession of the new sliding scale; and they are aware that we are considering a clause limited to this simple assertion—that a tenant who is disturbed in his holding, and a tenant who quits his holding, is to be compensated for the loss which he may thereby incur; and in a possible instance, we know that that compensation may amount to as much as seven years' rental of the land which he holds. The Committee are also aware that land in Ireland is worth probably twenty years' purchase, and consequently they are aware that upon the termination of his tenancy, and as a matter of right, under this Bill, any tenant, for the loss of a lease the term of which has expired, may come upon his landlord for the value of at least a third of his freehold. That is the state of affairs. Now, let us see how this will probably work as regards the Irish tenants—the very persons for whom we are asked to violate the fundamental principles of our legislation—the very persons for whom we are asked to take the step precipitately, and not after the deliberations of successive Cabinets—for the deliberations of successive Cabinets had laid quite a different proposition before us; let us, I say, examine how such a proposal will work for the advantage of this class of the Irish people themselves. When the House permitted me, on a former occasion, to make some observations on the principles of this Bill, I ventured to affirm that my principal objection to the 3rd clause—into the details of which it was not at the time convenient to enter—was that, among the many other serious questions which it involved, it destroyed all moral relations between the landlord and tenant. The more I have heard, and the more I have reflected on this clause, the more fully I am convinced that such will be its result. And if that be the result, how will the clause operate? The landlord will no longer acknowledge that this new-fangled tenant—who has what the lawyers would call a contingent remainder to the third of his estate—has any moral claim upon his consideration. He therefore says—"We will both of us stand upon our rights." I do not want to see them both standing upon their rights. I think the tenant and the landlord should mutually assist each other; but I am showing you what, in my opinion, will be the consequences of your legislation, though that legislation is proposed with an entirely different object. The landlord will say—"We must both stand upon our rights. This new-fangled law, which has given you a contingent remainder to the third of my freehold, has at least given me this security, that if you do not pay me your rent I may get rid of you." We have heard a great deal of evictions under different forms and circumstances; but this Bill provides what I should describe as a species of natural eviction. When a tenant does not pay his rent the landlord may get rid of him without his claiming a third of his freehold as compensation. Everyone must feel that, if only in self-defence, the landlord will avail himself of that position, the only position of strength left him. He will wait till the tenant does not pay his rent—and, as far as I have heard, the class of tenants for whom we are legislating in this exceptional way have the habit of falling into arrear with their rent—the landlord will avail himself of the power which is placed in his hands, and then what will occur? You will have farms consolidated, and the very farmers for whom you are taking this perilous step will be swept from the surface of the soil. Either the landlord will entirely assert his authority, or the tenant, finding himself in this position, will revert to those rural ethics with the consequences of which we are all familiar. There will be a new grievance—the payment of rent; and the non-payment of rent will become a principle, asserted by the same rural logic, the startling consequences of which have filled the mind of the country with apprehension and horror almost every day. The argument of the Irish tenant — belonging to the very class that you think you are now setting up by this violation of the fundamental law of the country — will be to this effect—"I have lost my holding because I did not pay my rent; can anything be more flagrantly unjust than that a man should be deprived of his contingent right to a third of the freehold because he does not pay his rent?" That is a natural view, which may lead to a much more successful agitation than any we have yet heard of. The question is unanswerable; we may think it is abstractedly unreasonable, but it is the necessary result of our legislation. And what will be the consequence? Why, that payment of rent will become a grievance, and you will find yourselves in exactly the same position in which you are now placed. There will be great complaints of the consolidation of farms, great complaints of vexatious and tyrannical evictions, and, on the other side, the most violent means by which the supposed rights of the occupiers to property in the soil may be vindicated will be resorted to. And so far from the improvement of the country, so far from terminating all these misunderstandings and heartburnings, which we seem now so anxious upon both sides of the House to bring to a close, you will have the same controversies still raging, only with increased acerbity, and under circumstances and conditions which inevitably must lead to increased bitterness and increased perils to society. I want to ask the Committee to consider what is the inducement for them to encourage the Government in this new line which they are taking. No one can pretend that the number of evictions in Ireland is a sufficient cause for our assenting to the passing of a law which violates, as I venture to say, the cardinal principles of our legislation, and strikes at the basis upon which society rests. If the evictions were as great in number and as aggravated in character as they were sometimes popularly believed to be—but, as it has turned out, most falsely believed to be—that even would not justify our taking such a step as is now proposed. Such a state of things might entail upon us the necessity of devising means which should terminate a general course pernicious and to be deprecated; but it would not, I repeat, justify Parliament in violating the cardinal principles on which, in the past, its legislative action has been based. But we know very well—for the Table of this House is covered with Returns conveying the information, that the number of evictions, so far from justifying such exceptional legislation as is proposed, really would not justify any legislation at all. It was a popular idea three or four years ago that the Irish exodus was occasioned by the evictions of tenants from their holdings; but we have now authentic evidence in our possession that the emigration—which I, for one, do not regard with the favour it meets at the hands of many persons—was not caused by the evictions at all, those reasons being altogether insufficient to produce such enormous and portentous results. But, Sir, I venture to hope I may induce the Committee to feel that, for the sake of the Irish tenants themselves, we ought not to take the course which we are now recommended to take. The clause now before the Committee acknowledges that an occupier has a permanent interest in the soil which he cultivates, and provides that a tenant, when his term of holding ceases, shall come upon society and the Legislature and say—"The termination of my lease is acknowledged by your legislation to be an injury for which I have a right to receive compensation." I think I have said enough to show the Committee that to legislate in that spirit would not be to benefit the Irish themselves. And, Sir, I think further, that the view I am expressing is held by a majority of the Irish farmers, who expect and require something very different from anything contained in the Bill proposed by Her Majesty's Government, either in the first or second instance. Judging by the tenour of the resolutions passed in their Farmers' Clubs, they want something very different from any proposition which Parliament has ever entertained, or from anything which I believe Parliament will ever grant; something which is so utterly unreasonable that it cannot be granted with any regard for the principles by which society is held together.

But, Sir, if the extraordinary change proposed by the Government will bring no advantage to Ireland, I think we ought to consider what may be the injury and disadvantages which such a course may bring upon other parts of the United Kingdom. The clause, as it stands, applies an abstract principle to the particular case of Ireland; but if it be so applied, I cannot see on what grounds we may flatter ourselves we can limit its application to the landlords and the tenants of Ireland. There being no occasion now to go into details with regard to the matter, I will state, what all will admit, that the landlords and tenants of Ireland have allowed their relations to grow so complicated as to require some regulation and adjustment; but there is a great difference between attempting to legislate in a large and liberal spirit in order to such an end, and proposing a principle which is entirely counter to all the principles of legislation we have hitherto accepted and acted upon. Let those who are able to do so answer the simple question, why the Scotch or the English tenant should not, and might not, demand the application of the same principle to themselves that is proposed to be adopted in favour of the Irish tenant? I want to know, for my own protection, what the argument is in support of the proposition of Her Majesty's Government? so that when the application is attempted to be made to England and to Scotland I may be prepared with an answer. It is no answer at all to tell us that the circumstances of Ireland and England, or of Ireland and Scotland, are different. Why, Sir, we know they are; we have had that *ad nauseam:* but never until this occasion has the degree of difference reached such a point that we have been asked to violate the first and cardinal principles of our legislation and society, principles which have existed for centuries undisturbed and unchallenged in England. The circumstances of the English and Irish tenants differ, no doubt, and that justifies compensation being paid to the Irish tenant for his improvements—a privilege which neither the English nor the Scotch tenant possesses; but that is no reason for passing a provision which entirely changes the character of the measure as originally proposed, and absolutely concedes to the occupier of the soil a proprietary interest in that soil—a provision which, as the clause is drawn, and so far as I am able to form an opinion, would enable a tenant whose lease was for a less term than thirty-one years to go to the person whose property he had enjoyed at an immense advantage, and say—"For a quarter of a century at a light rent I have enjoyed the use of your soil; my lease is now up, and the Legislature has decided that I have thereby incurred a great injury, so now be prepared to give me the compensation which the generous Legislature of the United Kingdom has conferred upon me." And, Sir, I want to know, also, how, if we embark upon this new legislation, we can limit it even to land? I know that there is a party in this country, and I believe there are some hon. Gentlemen in the House, who disapprove altogether the territorial system of this country. I do not share those opinions, nor shall I, so long as I find, which is not denied, that our territorial settlement has secured to us the most skilful agriculture in Europe, or in the world, and has been—as I think impartial inquirers cannot deny — very favourable to the maintenance of public liberty. I have no fear of appeals to disturb that settlement on broad principles, such as are contained in the Notice of Motion placed on the Table of the House by the hon. Member for Dundalk (Mr. Callan), who says, in effect, to the English landlords—"You must be prepared to give up your estates; for this Land Bill is only preliminary to inquiry into the tenure of land in England." That was frank on the part of the hon. Member, and, so long as the existing territorial system is assailed on such broad grounds as these, it may, I think, be triumphantly vindicated; but the danger is that the system may be sapped by such legislation as is now proposed. If hon. Members assent to what the Government is now recommending, they may, perhaps, be furnishing precedents to be hereafter turned against themselves. In these days of progress nothing is more natural than that such precedents should be turned against the territorial classes; and it will only be when hon. Members find their legitimate privileges as landowners surreptitiously and subtly attacked, that they will discover their position to have been weakened by their own acts as Members of this House. I wish hon. Members would fairly consider this question, and I will make another attempt, before sitting down, to bring the Committee back to its original tone of feeling respecting the measure as first brought forward — a measure which was, as we know, the result of many Cabinet Councils, and of the most anxious deliberations of able men acting under the gravest responsibility. They gave us their matured plan, and we agreed, without party feeling, to assist them in carrying it, waiving objections on many points, such as the Ulster custom, on which we differed from the Government. We, having regard to the responsibility of Ministers, concurred in giving a liberal interpretation to their conduct; and, such being the case, I ask why, at this moment, a vast majority on both sides of the House having so warmly and generously welcomed the Government Bill as the result of grave deliberation, we should suddenly be called upon to make a sweeping alteration, and to consider what is practically a new measure, framed on principles totally different from those which appeared in the original Bill? The Government, it may be said, do this to please some few supporters below the Gangway; but I can hardly conceive that to be possible. The right hon. Gentleman at the head of the Government has more than two-thirds of the House of Commons ready to support his original scheme with no very important alteration, and it looks like levity to disregard the warm support he has received in order to gain the voices of some few, I will not say groundlings, but to please some half-dozen hon. Gentlemen who sit on the opposite side of the House. I cannot believe, then, that this is the cause of the change. Is it due to the desire to obtain popularity for the Bill in Ireland, where it is not popular, and to raise some enthusiasm there in its behalf? Now, it is impossible that the Bill can be popular in Ireland. No Land Bill which could be brought forward in the British House of Commons would be likely to be popular in that country. The Bill before the House may be a wise, necessary, and temperate measure; but the resolutions which have been passed with respect to it by the Irish tenant-farmers clearly show that no attempt of this kind has any chance of ingratiating itself with them. I think I have given some reasons to the Committee why this pernicious proviso should not pass, even in the interest of the tenantry of Ireland themselves. To them it can only bring disaster and discontent; it will create those very differences and disorders which we have so long deprecated, and under which the country has so long suffered. The Committee is called upon to sanction principles which—I wish to use no terms of exaggeration—I most sincerely believe are calculated to be productive, even in our time, of the most serious consequences. All I ask the Government to do under these circumstances is to return to their original scheme. The Bill as it was introduced to our notice was accepted by the House of Commons, even though they were dissatisfied with many of its provisions. Ought not that success to content the Government? Would not a wise and prudent Minister be satisfied with this triumph in dealing with a subject so difficult? I make this final appeal to him, and I earnestly hope the Committee will not sanction the change which has been made, and that they will accept the Amendment which I now, Sir, place in your hands.

Amendment proposed,

In page 3, line 4, after the word "compensation," to insert the words "in respect of unexhausted improvements made by him or any predecessor in title, and of interruption in the completion of any course of husbandry suited to his holding."—(*Mr. Disraeli.*)

THE CHANCELLOR OF THE EXCHEQUER: Sir, the right hon. Gentleman (Mr. Disraeli) commenced his speech by what I am afraid I must call a declaration of war. He seems to have said to himself—

"Away to Heaven, respective lenity,
And fire-eyed fury be my conduct now!"

The right hon. Gentleman evidently labours under the impression that he is one of the most ill-used men in the world. It is clear he believes that he has fully mastered the details of this Bill as it was originally laid before the House; that he gave to its provisions a confiding and generous support; and that it is only owing to the gross misconduct of the Government in altering its clauses and thus remodelling it that he feels called upon, with much reluctance, and with a great measure of pain to himself, to change the position with respect to it which he at first took up. Such a spectacle is worthy of commiseration if it were only a little better founded on the real facts of the case. But, as it is, I have striven to resist the tender emotion of the right hon. Gentleman, and I trust the Committee also will endeavour to do so, until I have laid before them a view of the question which may, perhaps, seem to them to disentitle the right hon. Gentleman to some of that sympathy to which he has advanced so large a claim. In the first place, it will be in the recollection of the Committee that the right hon. Gentleman declined to pledge himself to anything in this Bill. The confidence which we have so much abused, and the hopes which we have excited, were entirely limited to a few words written at the top of the Bill. The right hon. Gentleman expressed his readiness to allow us to take the second reading, being of opinion that it was expedient that in some respect or other the law with regard to occupation in Ireland should be altered; but he carefully guarded himself against any other admission. Whoever else, therefore, has a right to complain of our conduct, in introducing alterations into the Bill, the right hon. Gentleman has none. The right hon. Gentleman told us that he had great struggles with regard to Ulster tenant-right, but as that was in the Bill, he had got over those difficulties. He says his confidence in us is shaken in consequence of our conduct with reference to the 2nd clause. But the case with regard to that clause is simply this—The Committee were pretty well agreed that, in lieu of Clause 2 as it originally stood, a clause should be brought up at the end of the Bill applying the same principles as were applied to the Ulster customs to customs identical with them in other parts of Ireland. That together with some alteration in the 6th clause dealing with the case of an outgoing tenant, was considered by the Committee a sufficient substitution for the 2nd clause. Yet this is made a grievance of by the right hon. Gentleman, and is one of the causes of that wonderful change of mind which he appears to have undergone. But there is another equally dreadful, and that is, that, having undertaken to concede a lease to the tenant for thirty-one years, we have recalled the concession. But what is the fact of the matter? The original clause was not to concede a lease, but to enable the landlord to tender a lease to the tenant, and if the tenant did not accept the lease then he was to be excluded from the benefit of the provisions of the Bill. The right hon. Gentleman, in the excess of his virtuous indignation, contrived entirely to invert and transpose the facts of the case. The clause was withdrawn mainly for two reasons. One was, that it seemed to bear hardly on the tenant who might have a good right to compensation and did not wish to take a lease; and the other was that it was found impossible to put in the power of the court the preparation of such a lease as that without raising the question which they were most desirous to keep out of the cognizance of the court, as far as they could—the question of an arbitrary valuation of rent. Instead of this clause we have substituted one by which, if the landlord and the tenant can agree to a thirty-one years' lease, it shall be a bar to the claim for compensation; so that we have relieved the tenant from the compulsion to which he would have been subjected under the old clause, and saved the landlord from that from which we recoil—the notion of submitting to the courts what rent a holding should pay. This, then, is another dreadful injury which it appears the right hon. Gentleman has sustained. But there is yet another, and that is the one with which we are chiefly concerned this evening. He says that whereas, in the 3rd clause, as it stood originally, we gave compensation to the tenant in regard of the loss sustained by him in quitting his holding, and whereas that was mixed up with and placed under the same scale with improvements, we have now separated the two, using instead of the words "compensation regard being had to" the words "compensation for" loss sustained by him in quitting his holding. In striking out the words "regard being had to," and putting "for" instead of them, lies, therefore, it would seem, that dreadful mischief which now arouses the wrath of the right hon. Gentleman, and turns the milk of his nature into gall. It appears to have had a similar effect on the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball), who contended the other night that some dreadful difference existed between those two clauses, which I confess I am unable to discover. The whole grievance amounts to this—that whereas we at first put two things under the scale of compensation, "improvements" and occupancy," we now only put one and remove the other from it. That is the whole grievance of the right hon. Gentleman, and that grievance is a little diminished by the fact that my right hon. Friend at the head of the Government gave notice on the second reading that it was his intention to make this separation. I think it is hardly necessary for me to say any more on the grievances which have sent Achilles back to his tent. I would now observe that it has been stated—and, I believe, not contradicted — that the Amendments which the right hon. Gentleman has put on the Paper, shortly after those of which my right hon. Friend the Chief Secretary for Ireland gave notice, were agreed to at a meeting of the right hon. Gentleman's supporters prior to my right hon. Friend's Amendments being laid on the Table. [Mr. DISRAELI: That is my case.] But another grievance of the right hon. Gentleman's is that, as he alleges, these Amendments were placed on the Table surreptitiously and secretly. It seems to be made a ground of complaint against my right hon. Friend that he did not give notice of his Amendments, and that he did not give notice of his Notice. Now, the right hon. Gentleman's speech is one thing and his Motion is another; and, as far as I could gather from his speech, to which I listened most attentively, the one has nothing to do with the other. His speech consisted really in supporting these propositions; but, in addition to being hostile to the legalization of Ulster tenant-right, he is also hostile to any concession to the tenants beyond compensation for improvements. These are the two statements I gather from the right hon. Gentleman's speech. We are not now dealing with the Amendments to the clause, and therefore I shall not mention them further than to take notice of that declaration of the right hon. Gentleman, which throws rather a curious light upon the grievance that he says he has sustained in having been deceived into giving countenance to this Bill, which did nothing but legalize the Ulster custom of giving compensation to tenants who are disturbed in their holdings. I have my choice which I shall answer—the speech of the right hon. Gentleman or his Amendments, because the speech has nothing to do with the Amendments, and the Amendments have nothing to do with the speech; but as it is upon the Amendments, and not upon the speech that we shall have to vote, I will, with the permission of the House, offer a few remarks upon them, because they raise a question that, I think, is worthy of some consideration, for the right hon. Gentleman, who ought to know best the value of his own Amendments, has not said a single word or made a single comment about them. The propositions laid down by the right hon. Gentleman are two—the first is, that the improvements ought to be included under the scale which limits the value that is to be given; the second is, that compensation for loss on quitting a holding should be limited to compensation for improvements, and for being interrupted in the course of husbandry. Those were the two propositions of the right hon. Gentleman, and I was anxious to know what could be said in favour of them. Nothing has been said in their favour, and therefore I will take the liberty of making a few observations against them. As to his proposition with regard to his scale the right hon. Gentleman has in his favour the authority of the Government, for it was our original proposition; but when we came to work it out we found difficulties that we had not altogether anticipated. That is apparent on the face of the Bill. We found that we could not put all improvements under one class, and we were, therefore, compelled them to divide them into two classes, putting buildings and reclamation of land in one class, and all other improvements in the other. But that was a very awkward proceeding, and the further we went the more difficulty we found, because it would happen that a man who had made very great improvements, and suffered very great injury on quitting his holding, would be prevented by the scale from getting compensation for the injury he sustained in quitting that holding, for the very reason that he had made those great improvements, and *vicé versâ*, which it appeared to us might work an injustice. There is, however, another view of the case. Improvements are things which. it seems to me, do not require a limit for these reasons—they are things gone and past; they are capable of valuation, they raise simple and obvious questions, such as "Who made them?" and "What are they worth?" and these questions can only be decided by the evidence offered to the court as to what these improvements are worth and the amount the tenant ought to have. There is no reason that I know of for limiting the quantum of compensation in that case any more than there is for limiting the quantum in an ordinary case of damages. I will not go into the merits of the question of compensation for eviction, because that is of an entirely different nature altogether, being in the nature of an estimate. It is something future, and must be, to a certain extent, vague and conjectural; it is therefore, most desirable, in the interest of the landlord, that that compensation should be limited, and that it should not be left indefinite, vague, or to the discretion of a court of any kind, or to any person. Besides that, it is desirable that there should be a limit, if it was only to fix some sort of an approximate standard for the scale on which compensation in this matter should be given; because, when you have injuries of this nature you cannot deal with them alike, for various men will assess things very differently, and, therefore, landlords would have a right to complain if we left indefinite the jurisdiction on this matter. These were sufficient reasons to reconsider this subject—which, after all, is not of the first consequence—and it will be for the Committee to say whether we could reasonably have done anything different. But this, I will say, that anything more preposterous than to suppose that the bringing forward such a proposition—of which notice was given on the second reading—in such a manner should prevent the right hon. Gentleman, or any set of hon. Gentlemen, who had begun by having confidence in this measure, from approving it and having confidence in the conduct of the Government cannot be imagined. Then, as to the second part of the right hon. Gentleman's proposition — namely, that compensation should be given for interference with the course of husbandry, not only has he said nothing in favour of that proposition, but he has pronounced an opinion distinctly against it; because he has said that, in his opinion, the justice of the case will be entirely met by compensation being given for improvements. You cannot, however, call husbandry an improvement, because the right hon. Gentleman puts it in addition to the clause about improvements; and therefore, I have the right hon. Gentleman's authority against his own clause, that authority being strengthened by the fact that he has not said a single word in its favour. This gives me a right to say a little against it. There is one thing which I suppose hon. Gentlemen who sit behind him will listen to—namely, that in this clause the right hon. Gentleman has done what I should have found it very difficult to do. It appears to me that everything except the bare abstract law is entirely different in the case of England from that of Ireland with regard to the tenure of land; and, although the right hon. Gentleman fears that whatever we do in Ireland will be imported into England, his ingenuity has been such that he has actually contrived to propose for Ireland a clause that might be made a precedent in England on the only point, as far as I am aware, which his felicitous ingenuity could select for this Amendment. But, passing over that, the people, if any, who would be entitled to compensation for quitting their holdings are the small holders, because the large holders will naturally make improvements. What, Sir, is the farming of the man with a £5 holding? I am afraid it is a fearful monotony of potatoes. What compensation can he have for his course of husbandry being interrupted? Will four or five years' scientific culture, which has brought certain crops out of the ground, entitle him to be treated well? Has he a single thing which entitles him to be compensated, not only for what he has spent, but also for what he would have got out of the land had he been allowed to go on to completion? What consolation is that to the small people with whom we are dealing? Yet, those are the very people for whom this scale is intended. The large people can take care of themselves; it is the small ones who want to be benefited; and this being the ingenious way which the right hon. Gentleman has selected for doing it, I do not wonder that he had not a word to say for his proposition. He made a statement which showed that he entirely disapproved the Amendment he introduced, because anything more entirely subversive of his intention I cannot conceive. The truth is, there is no reason for selecting the course of husbandry or any single injury. This is a specimen, but the principle, if good for anything, is good not only with regard to the course of husbandry, but for all the injury a man might sustain by having to quit his occupation; and why he should pick out this particular thing, which would not apply to the farmers of Ireland, but would apply to the farmers of England, I cannot conceive. Sir, I think I have answered the Amendment of the right hon. Gentleman. I say "answered" it, although the truth is he has not said anything relating to it. And now I wish to point out, because we are challenged on this subject, that although the right hon. Gentleman moved the Amendment he, at the same time told us that he disapproved it; and, in fact, it was his opinion that there ought to be no compensation at all for disturbance in a holding. That is a question well worthy the consideration of the House, and I think he has a perfect right to call upon the Government for an answer on that point. The right hon. Gentleman the Member for Dublin University (Dr. Ball) told us the other night that we treated eviction or a disturbance of holding as a wrong, and punished it accordingly, Now Sir, I deny that we treat it as a wrong. The disturbance of a tenant by eviction is a legal act, and a man is right in doing it. But though we admit so much, and although we treat it as a right, yet it is a right the exercise of which is peculiarly liable to abuse. The exercise of that right carries with it what jurists call "imperfect moral obligations," which a man cannot discharge simply and alone, and without considering many collateral circumstances, if he is a just, honourable, and benevolent man. It is a right the legality of which we have never denied or sought to set aside, but it is a right which ought to be exercised with great care, discretion, kindness, and moderation, because, if it be wrongly exercised, it is a calamity not only to the tenant, not only, as frequently happens in Ireland, to the parties who execute that right, but also to the neighbourhood, the county, the country, and the Empire at large. We have, therefore, a right to say that, for the sustenance of good order and the welfare of society, we must jealously watch the exercise of this right, guard carefully against its abuse, and show to every landlord that the law, as far as it can, would have him act as a good and an honourable man. I put it to any person whether he would himself evict a small tenant, and turn him out on the wide world without a shilling in his pocket to seek his fortune? There is nothing in the law as it stands, whether in England, Scotland, or Ireland, to compel him not to do it; but is the law what it ought to be? Is there not a duty attendant upon such an act? Look at where that duty is systematically violated—though I do not say that such a thing happens in Ireland now, because there are causes that prevent it; but it has happened, and it is to what has happened in Ireland in other days that we owe the sad necessity which at present exists of dealing with this question. You must remember that to turn a poor man out of his holding is not an act of an insignificant character. To the tenant it sometimes means the ruin of his expectations, and very frequently, indeed, his sinking out of the class of life in which he lived into another far below. You must remember, also, that the man who evicts, or has the power of evicting, is frequently both the judge and executioner in his own cause. He tries it himself, and inclines, as we all do, to his own opinion and interest, and for that, as things stand at present, there is no remedy. Remember that there is no possibility by which a man, however prudent he may be, can guard himself against the exercise of this right in Ireland, because, owing to the competition for land in Ireland, if a man was to ask for any sort of security hundreds would be ready to bid against him, and therefore no prudent man, be he ever so wise in his own interest, can guard himself from the exercise of this right. More might be said on the subject; but what I wish to point out is that even, although this right be not exercised, its existence in its present shape is a standing danger to the very foundation of society in Ireland. The fact is, that a man who has this power of eviction can so use that power as to enable him to extort terms from his tenant which from another point of view he would not be enabled to exact. It keeps up feelings of bitterness between the two classes, and will keep them up, unless we can make the poor man securer than at present and teach moderation to some of the rich. Look at the abominable system of the perpetual issue of notices to quit, so that, from the time a man enters upon his tenancy, even in the first year, notice may be given to him, and he is always kept under fear of immediate eviction—a case which constantly happens in Ireland. All this might be endured if it were not for the evil that has sprung from it and the terrible state in which Ireland now is. There is no doubt that hard conduct by the landlord and evictions in days long past have popularized murder in Ireland, and have made people look upon a murderer as a man not entirely in the wrong. When this feeling has once been created, observe the progress it makes. It has now passed from the landlord and tenant to the people themselves; outrages which used to be mainly directed against the landlord and persons in his employ are now directed against others. No injury is too slight—the discarding of a servant, the dismissal of a porter by a railway official, underselling by a tradesman—anything is a sufficient excuse for shedding blood. What is the fountain of bitterness from which these waters first flowed? Has not this demoralizing practice sprung up mainly because the law did not give the tenant relief, and the tenant grew to think he was entitled to take the law into his own hands? I was very much struck by a passage in Judge Longfield's essay on this subject. If, he says, you give fixity of tenure in Ireland, you will only alter a heading in the newspapers, and for "Agrarian Outrage" you will have to read "Domestic Tragedy;" because these practices, nursed by the evils of land tenure, have become fully domesticated among the people. This being the state of the case, the Government felt that it was no longer endurable, and the object of the present Bill is to remedy it, as far as legislation can do so. We have not, however, treated eviction as a wrong, nor have we given damages for eviction. We have given compensation—which is of course the same thing as damages, one being the Latin and the other the English form of the word—to any person for any loss he shall sustain in quitting his holding. But we have not imposed an arbitrary fine. In this country we have a tenure of leases renewable on payment of a fine by the tenant. That tenure has not worked sufficiently well to encourage the Government to propose any such system in Ireland. All we have done has been to say to the tenant—"Prove the loss you have sustained, and within a certain limit you shall receive compensation." We have not altered the tenure of land; we have studiously avoided doing so; but we have said where a wrong can be proved we will give within moderate and fair limits a summary remedy. That is the whole effect of what we have done, and I beg hon. Members to read the Bill and compare this statement with the statement about the invasion of the rights of property and the establishment of dangerous principles put forward by the right hon. Gentleman. No doubt, besides the relief given to the tenant, we have another view. We do wish to put, in a moderate and not an extreme manner, some sort of check upon the practice of eviction. In our view, eviction is a most weighty and momentous step, and we are anxious it should not be lightly taken. At the same time, the discretion rests with the landlord; he may take it or not as he pleases. Now, what are the objections raised to the course we propose? It is described as an invasion of the rights of property. But our object more than anything else was to avoid any invasion of the rights of property, and was, further, to strengthen the present possession of property in Ireland. We find property in Ireland at this day guarded by 14,000 police and 25,000 soldiers; and even this force cannot protect the lives of people who have committed no other offence than that of being the proprietors of the soil. We felt that there was no permanency about such a state of things; that if property was to remain property, you must not rely solely upon force for its protection, and that, not merely for the sake of the tenant, but for the sake of the landlord, something must be done in the way of conciliation. I can assure hon. Gentlemen that, in our opinion, foolish as some of them may think it, this Bill is the foundation of a better state of things in Ireland—a state of things in which each man shall respect the rights of his neighbour, the tenant the rights of the landlord, the landlord those of the tenant. Again it is said, and no one would be more disposed than I should be to yield to such an argument, that the Bill offends against the principles of political economy. In one sense there is no doubt it is so. Political economy belongs to no nation; it is of no country. It is the science of the rules for the protection, the accumulation, the distribution, and the consumption of wealth. It will assert itself whether you wish it or not. It is founded on the attributes of the human mind, and no power can change it. It teaches you the best way of accumulating the most wealth in the shortest time; and if our object was to accumulate for Ireland the most wealth in the shortest time, it would be perfectly right to try the Bill by the principles of political economy. But that is not the object of the Bill. Our object was a different one. It was to give security to life; to save society from rushing down towards destruction; to give to property the security it is fast losing; to give confidence to people who will not trust each other; to break down the mischiefs and the abuses of centuries; and give some sort of common ground upon which people might unite. These were the objects we had in view, and it is by its likelihood of attaining these objects, and not by its conformity or nonconformity to the principles of political economy, that the Bill must be be tried. The principles of political economy! Why, we violate them every day. What rule of political economy is better established than that every man shall be free to exercise any calling he likes? Yet we have a system of trade licences. Another equally well-established rule of political economy is that there shall be no monopoly of anything. Yet we have just raised £7,000,000 to buy up for the State a monopoly in telegraphing, and the State has long had a monopoly in the Post Office. The truth is you cannot settle all the complicated relations of mankind by the rules of political economy. Political economy is the science of wealth, and where wealth is the question you cannot do better than follow it. But then, says the right hon. Gentleman, the question is not only agrarian, but political. If he will only allow me to substitute police for political, I shall be inclined to agree with him. He says we ought to be prepared to do for Scotland and England what we are doing for Ireland. Now, observe that every single ground I have put forward on behalf of the Government and in support of the Bill has been exclusively on Irish ground. There is not one which rests on any point common to the two countries. Happily, most happily, none of the things I have mentioned as regards this Bill apply even in the smallest degree to Great Britain. It has not been on any abstract principles, it has not been with the idea of introducing any improvement into the law on political or jurisprudential principles that the Bill has been brought forward. It has been brought forward after careful investigation of the mischiefs now existing in Ireland, and with the sole view of remedying them. It does not alter property, and we believe if it passes it will leave Irish landlords possessed of a better hold upon their estates than they have at present. I rather think they are of that opinion, too. The right hon. Gentleman's zeal on this subject has been warm; but we have seen no proof that it is shared in this House by Irish landlords generally. Of course, we have had to steer between two extremes—between Scylla, impersonated by the right hon. Gentleman, who tells us we should do nothing more than give compensation for improvements, and Charybdis, represented by those who advocate fixity of tenure. We have gone to neither extreme. We have endeavoured without shaking the foundation of property to give adequate relief to the tenants; we have entirely repudiated the notion of fixity of tenure; and I think the Irish landlords are very wise in acquiescing. What would be the only result supposing the Bill failed? Why, they would be in this most miserable position: they would find themselves in the claws of the right hon. Gentleman, who would then be at the head of the Government with a fine working minority in this House. When that time came they might indeed tremble. I think I already hear the speech which the right hon. Gentleman would make to the House. He would say it was a mockery and a delusion to give compensation to the tenant in case of eviction; such a remedy would fail because it did not go deep enough; and the only panacea for Ireland was fixity of tenure, with a periodical re-valuation of rents. It may be that the right hon. Gentleman will fail; but if he succeeds I am sure he will leave the case of Ireland much worse than he finds it. It was bad enough before, for "hope deferred maketh the heart sick;" but hope baffled and destroyed rouses the most violent and revengeful passions. I can only trust we shall not have the disagreeable reflection that this Session, which opened, as some of us thought, with auspices so bright for Ireland, will leave no other monument behind than a Coercion Bill—a measure odious even to those whose misfortune it is to prepare it and carry it through the House. If that result comes to pass it will only remind us once more how much easier it is to stir up men to return evil for evil than to induce them to overcome evil with good.

Mr. GATHORNE HARDY: Sir, I think that most of us will feel that the speech which has just been addressed to us by the Chancellor of the Exchequer can hardly be considered an answer to the speeches which he has formerly delivered in this House. The conclusion at which the right hon. Gentleman has arrived he imputes partly to dread of future inconsistency in those hon. Gentlemen who sit on this side of the House; but his remarks, I think, might be much more properly applied to himself, who has been guilty of an inconsistency so gross and deliberate that it is perfectly unexampled in political history. Sir, two years ago—and only two years ago—subsequent to that great revolution which was to change all his opinions, the right hon. Gentleman got up in the House and said that, after sitting for two years upon Committees examining into the condition of Ireland, he had arrived at the conclusion that no grievance in the relations of landlord and tenant had been established; and he went on to say that things in Ireland ought to be conducted upon the principles of political economy. Sir, that political economy, which from the Bench opposite he has now thrown overboard, he then declared was the panacea for all the ills and wrongs of Ireland. I know not, Sir, what has changed the opinions of the right hon. Gentleman, except it be his change of place. The right hon. Gentleman has, again and again, imputed much inconsistency to us who sit upon this side; but he is the last man in this House who ought to warn against inconsistency. Let it never be forgotten, Sir, that the right hon. Gentleman remained a Member of a Government which was preparing and producing a Reform Bill that he admits he was opposed to. Although, Sir, he held views opposed to his Colleagues upon that matter, he did not leave that Government, nor did he openly denounce it. On the contrary, he remained a Member of that Government, and was a party to a Reform Bill of which he did not approve. It was only afterwards that he expressed opinions at variance with it. Nay, even when he was in Opposition, he voted for the Resolution on which the Earl of Derby's Government was turned out of Office in 1859, which Resolution was founded upon that very lowering of the franchise which the right hon. Gentleman afterwards repudiated. I think, therefore, the right hon. Gentleman has little cause for reflecting upon us for our inconsistency. He should rather look at home, and consider what he has done, and is still doing. Political enonomy, it seems, now is to be discarded. Political economy will no longer serve his purpose. It served very well in Opposition; but it will not serve upon the Bench upon which the right hon. Gentleman now sits. Formerly, we were told by the right hon. Gentleman that the relationship between landlord and tenant in Ireland ought not to be settled without due regard to the principles of political economy; but he now tells us that they may be settled without reference to any such consideration. He says that the relations of landlord and tenant in Ireland are so peculiar that they cannot be settled as they are in England or Scotland. But I would ask him, have there been no evictions in the Highlands? Have there been no clearances there? The right hon. Gentleman told us that he has said nothing but what is applicable to Ireland alone, and that he has argued this question as one solely affecting that country. Now, Sir, I say that he has done nothing of the kind. He put the argument upon the distinct foundation that there was a moral duty existing between the landlord and the tenant. Why, Sir, is there no such thing as a moral duty existing between landlords and tenants in England and Scotland? Is moral duty confined to Ireland? The right hon. Gentleman, I maintain, in putting the question upon that footing, treats it as a question affecting the whole united Empire. What we affirm is—and the right hon. Gentleman has said nothing to contradict our assertion—that the action which the Government are now taking will form a precedent both for England and Scotland. But I will go a little farther. We are told that these evictions are not, strictly speaking, wrong in point of law, but that they are liable to abuse. Let me ask the right hon. Gentleman, what relation is there between two persons which is not liable to abuse? Are not the relations between master and servant liable to abuse? The right hon. Gentleman may say the servant has no claim to property in his place. If you put this question upon the ground of moral duty, I do not see why a discharged servant should not be placed upon the same footing as a discharged tenant, and why he should not have so many months' or years' wages given him on discharge as compensation for the loss of his place. All relations are liable to abuse. [Mr. Lowe: I am, it seems, liable to abuse.] If so, the right hon. Gentleman has brought the liability on himself by the very strong language in which he has thought proper to address us on this side. We have been told that the murders which have been committed in Ireland have their root in the grievances of Ireland. But it seems to have been overlooked by the right hon. Gentleman that the vindictive murders to which he referred—of masters for having dismissed their servants, of persons who have entered into competition in trade, are not crimes having their origin in the occupation of land. This moral duty argument, therefore, should not be confined to evictions; and have there been no cases of vindictive murders in England because servants have been dismissed—no trade outrages? If we look at the history of the matter, we shall find that it does not bear out what the right hon. Gentleman has said with respect to evictions. There has, for instance, been a very much larger proportion of evictions in Ulster than in any of the other Provinces, and yet Ulster has been free from the crime which disgraces the other Provinces. Moreover, if you look properly at this question you will find that the vast proportion of these evictions are evictions for non-payment of rent, which this Bill does not touch. I maintain that evictions have not been the cause of agrarian crime, and I say that that is proved by the condition of Ulster, where the evictions have been proportionately most numerous, the majority being for non-payment of rent. In Ulster there has been one eviction out of 1,260 holdings; in Munster, one out of 4,289 holdings; in Leinster, one out of 3,295 holdings; and in Connaught, one out of 2,684 holdings. Now, Sir, if this be the case—if we find more evictions in Ulster, where agrarian outrage is comparatively unknown — I maintain that the evictions themselves do not form alone such a ground-work as to justify the legislation which the Government proposes. The right hon. Gentleman speaks of the condition of particular districts of Ireland in which murder has been popularized, and says that the grievances of Ireland have been the cause of the wholesale murders; but surely, before the Committee is asked to legislate upon such a footing, they must first come to the conclusion that they are about to meet the evils which have so popularized murder. When the Committee is asked to pass a clause of this nature, surely they should have some sort of assurance that they are passing a clause which will effect the object in view. Now, have we any signs of that? On the contrary, in every Tenant-Farmers' Club in Ireland the Government scheme is repudiated. We find that the people, who have taken an active part in the agitation of the matter, have all repudiated it; and we find, further, that the Bishops of the Roman Catholic Church have sent home a distinct intimation on the subject. And here, Sir, I may say that it is a remarkable thing that the Roman Catholic Bishops should continually instruct the Irish Members respecting their duties in this House. In delicate phraseology no doubt, but still in terms distinct enough, the Bishops of the Roman Catholic Church in Ireland, as represented by Dr. Furlong, have condemned this Bill as being wholly inadequate for its purposes; and they ask for things which I trust this House will never grant, because they are subversive of every right of property which anyone can exercise. What, let me ask, will be the effect of this clause? Will it, or will it not, create something which does not at present exist? In the discussion upon the Ulster tenant-right clause the right hon. Gentleman at the head of the Government and the Chief Secretary for Ireland uniformly asserted that they were treating the subject as virtually one of covenant between the landlord and tenant. In the 1st clause, therefore, we were dealing only with the subject as between landlord and tenant, and we were not called upon to put upon the landlord anything to which he had not virtually given his assent; but when we come to the 3rd clause we find ourselves in a totally different position. It is because the landlord does not assent that we are subjecting him to this new piece of legislation, the effect of which will be that when he evicts a tenant except for non-payment of rent he will be liable to damages. In many cases, and almost uniformly in the case of small tenants, landlords in Ireland, when they have found it necessary to remove tenants, even for non-payment of rent, have acted in a kind spirit, and have forgiven them their arrears and even assisted them with money to emigrate. But what right have you to turn a generous and charitable practice in respect of small tenancies, answering to that moral duty you have described, into a legal obligation, and to extend it coercively to all tenancies and impose it upon all landlords? I say that by doing this you are creating a property which did not exist before. You are giving a man something which he never had before, and you cannot give it him without taking it from somebody else. The right hon. Gentleman said that to grant fixity of tenure would necessitate the compensation of landlords out of the Consolidated Fund; but if you take away part, is it not in principle the same as taking the whole? If it be wrong to take away twenty-one years' purchase without compensation, upon what principle are you to take away seven years' purchase without it? Is there anything in the circumstances of the tenant which can justify the House in so legislating, or even the landlords in so acting, except the dictates of compassionate feeling? My right hon. Friend the Member for Buckinghamshire has been attacked for what he has said with respect to this clause and its alteration. What he said was this—that as originally drawn the clause was ambiguous in its language, and that some such Amendment as the one he proposed would be necessary. He recognized the improvements, and put down upon the Notice Paper an Amendment expanding what was originally in the Bill. In the clause, as it stood, regard was to be had to the improvements made by the tenant or his predecessors in title, and to the loss sustained by him in quitting his holding, but the former part has now been struck out. It has thus become clear that the scale of compensation originally laid down was to cover the improvements, and the damages for quitting the holding Now, however, although the improvements have been withdrawn, the scale, instead of being made lower, has been made practically higher. First of all, you were to pay for improvements upon a certain scale; then you cut out the improvements, and yet you put in damages quite equal to what you were prepared to give for improvements and loss of tenancy together. Surely, this is a most important alteration of the Bill. Then there was a clause by which the landlord was entitled to offer a thirty-one years' lease, and if the tenant refused to accept it the landlord was free from further claims. That clause is to be struck out of the Bill. What answer have we to the remarks made by my right hon. Friend on that subject? We are told that there will be something else in the Bill which will modify this; but as yet the new clause is not on the Paper. It is therefore rather hard to call upon us to approve of something which we have never seen, and which is to be substituted for a clause which has been, or will be, removed from the Bill. The question of compensation for disturbance comes before us for the first time in the Amendment of the Chief Secretary for Ireland in a bare and naked form. In Ireland, hitherto, the tenant who was obliged to give up possession because his lease had terminated has not received anything for the cessation of his lease; the tenant has been evicted without any right to claim compensation from his landlord for the mere fact of eviction. Now, if this Bill is carried he will get compensation for that which never belonged to him, and be able to demand it from a person who was never bound to give it to him. If the landlord, without harshly evicting him or forgetting in any way his moral duty, at the termination of a lease anything short of thirty-one years, says—"I do not wish you to continue my tenant any longer;" then the tenant is empowered to go to his landlord and say—"I am entitled to seven years' rental because you terminate my lease. ["No, no!"] I will explain what I mean. I know that the seven years' rental may be cut down in consequence of other circumstances; but so far from the tenant being expected, as my right hon. Friend (Mr. Lowe) has just said, to claim what he is to get, it was distinctly stated by the right hon. Gentleman at the head of the Government that the seven years was to be the starting point, and it was the landlord who was to cut down the amount. What is it you do by this Bill? At the close of a tenancy on a lease, or by notice to quit, the tenant is to bring in his bill—and he brings it in at the highest point, saying to the landlord—"If you object to the demand, it is for you to show the Judge why it should be cut down." Is it consistent, I do not say with the rights of property, but with common sense, to throw upon a man who is paying something for which your very legislation admits that he was never indebted the onus of proving that he never owed it, and of cutting down the claim as well as he can? It is as if when you had paid a bill to one of your tradesmen and he brought it in again you were not to be entitled to produce the receipt, but to be obliged to go through the account to prove that you never had some of the articles. It has been clearly understood, in regard to leases lapsing by virtue of time, that tenants would never have such a right as this Bill proposes to give them. Numbers of leases have been given in Ireland on that understanding. I know of one instance in which a gentlemen spent £5,000 or £6,000 upon property he bought, and let it on a nineteen years' lease. Being a Scotchman he considered that that would cover everything; but now he will be called upon to pay compensation to his tenant for loss of occupancy on the termination of his lease. ["No, no!"] Then I will put it in this way. His tenant will be able to come to him at the close of his tenancy, and, if he does not renew it, say—"You must pay me damages for my removal, or you must show me the reason why. [The Chancellor of the Exchequer: The clause will only apply to the case of leases made after the passing of this Act.] Then I am wrong; because I am speaking of an existing lease. But suppose a man gives a lease in the same way after the passing of this Act, that will be the result, and you will prevent by this step the granting of improving leases, which are the best things you can have for the country. And there will be no means of getting rid of this provision in leases subsequent to the passing of the Act, because by this clause, for the first time within my knowledge of Acts of Parliament, contracts are absolutely forbidden. I will say one word as to why we should give a definition of this process. I entirely agree with my right hon. Friend (Mr. Disraeli) in thinking that compensation for unexhausted improvements made by the tenant and for interruption in the completion of any course of husbandry suited to his holding is in itself sufficient to do justice to him; but, at the same time, I am quite aware that there is a feeling in Ireland, and that, to a certain extent, there has been a practice in Ireland, in accordance with which landlords actuated by generous motives have, with great liberality, helped tenants who left their holdings. But now the matter is to be referred to a court, and yet you are going to send it without any definition to guide the Judge, or anything on which he can found a decision. It is most important that you should in a question of this kind, which has never arisen between landlord and tenant before, give the Judge some basis upon which he may act. What sort of basis is that to be? We say there is no wrong in eviction in itself, and that has been admitted by the right hon. Gentleman opposite. We say, however, further, there may happen to be cases where a man has entered upon a course of husbandry and would be injured by a sudden eviction; and in such cases the Judge would have power to interfere. If no such course has been entered upon, and if there be no unexhausted improvements in the case, then I think there is no wrong and no loss in the event of eviction. In the arguments which have been addressed to the Committee throughout this investigation it has been so clearly shown that this must after all become a question, not for Ireland only, but for England and Scotland also, that I will not be a party to laying down a principle which, as my right hon. Friend has said, is so vague and general. I consider some kind of definition to be necessary for the guidance of the Judge; and I shall give my hearty support to the Amendment of my right hon. Friend.

Sir ROUNDELL PALMER: Sir, I can assure the Government that I do not intend on this occasion to criticize in any hostile spirit this clause or any other portion of the Bill; nor shall I retract anything I said on the second reading in favour of the spirit in which the measure as a whole has been proposed. But it may be in the recollection of those who heard me on the occasion to which I refer, that I said I felt there were serious difficulties in connection with that part of the 3rd clause relating to compensation to the tenant for quitting his farm. At the same time I said—what I do not want to recede from now, that I considered it possible, for the reasons so fully and so eloquently stated by my right hon. Friend the Chancellor of the Exchequer to-night—reasons arising from the peculiar circumstances of Ireland—that it might be for the interest of the landlords as well as that of the tenants to depart to some extent from the ordinary principles of legislation in such matters, by providing, in the shape of compensation, a penalty or fine on arbitrary evictions. I thought that much regard was due to the views of hon. Members from Ireland, who are well acquainted with the circumstances of property in that country, and I was struck with some of the speeches of those hon. Gentlemen, and especially with the remark of the hon. Member for the county of Carlow (Mr. Kavanagh) that so far as this compensation might be regarded as a check on arbitrary and unreasonable evictions, he looked upon it as a benefit to the proprietors of land. It is, therefore, unnecessary for me to say that I cannot interpret this compensation in the narrow way my right hon. and learned

Friend the Member for the University of Dublin (Dr. Ball) seems to interpret it, or in the way the right hon. Gentleman who moved the Amendment (Mr. Disraeli) understands it. I cannot but admit that something more is intended to be given than the mere value of unexhausted improvements, or than the value of the probable return from any course of husbandry suited to the holding, which has been interrupted in the process of completion. But having said this, I must express my opinion that in giving this compensation the most extreme caution is required; because, unless in its practical application you keep the principle within proper limits, and accompany it with all reasonable checks, it will become an invasion of all the rights of property. Therefore, though unable to go the length of supporting the Amendment of the right hon. Gentleman opposite (Mr. Disraeli), which would eliminate that element from the Bill, I think the right hon. Gentleman's Amendment gives us the opportunity of examining with advantage the whole operation of the clause in connection with all other parts of the Bill which relate to this particular compensation. Whatever I say on these matters will be said not only in good faith, but in the hope that if my observations are reasonable they may be fairly considered by the Government; and I do trust that when applying myself to points of detail, I may not be met by the argument that such points involve the principle of the Bill, and, therefore, that criticisms upon them are not admissible. I cannot but admit, with hon. Gentlemen opposite, that very serious changes affecting this matter have been made in the Bill since its introduction; and I think those changes aggravate the difficulty and render it all the more necessary that the details of the measure should undergo a very careful examination. In the first place, a great change has been made which I think has not been much noticed. I mean that which gives the tenant holding under the Ulster tenant-right custom, the option of claiming either under that custom or under the provisions applying to other tenants throughout Ireland. Again, in the 3rd clause, the scale of compensation is unaltered as regards its limits, although one of the factors, and that the most important one, has been removed from the calculation—a rather alarming circumstance, which will be likely very materially to alter the operation of the clause in connection with subsequent clauses which were intended as safeguards. Then there is to be left out what I always regarded as a great safety-valve—namely, the option allowed to the landlord of giving a thirty-one years' lease, instead of paying compensation. That appears to me a material change. And, lastly, I confess I had not understood, till the matter was explained the other evening, that the landlord who, when a lease had expired in the ordinary course, should say to the tenant—"Give me back my property," was to be treated as a disturber. I may point out, what has been hitherto lost sight of in the discussion this evening, that you have got to consider a double operation of the 3rd clause—an operation which depends upon different principles, and which in itself will practically be extremely different as to the different classes of cases. First, I will speak of its retrospective operation on existing tenancies; and, secondly, of its prospective operation on tenancies to be created hereafter. As to its retrospective operation, it alters existing contracts only as to tenancies from year to year, because that part of it is not applied to any leases whatever. But in altering existing contracts — an alteration which can be justified only by that high political necessity, and that plea of the general advantage of the community and the security of property for which such powerful reasons were assigned by the Chancellor of the Exchequer—at all events care must be taken not to extend it one iota beyond the legitimate limits to which those considerations would carry you. To that principle I apprehend we shall all agree, though, of course, we may differ to some extent as to the proper mode of acting upon it. You are there really and truly taking away something which is part of the existing right of property; but you may be doing it for considerations of benefit which may accrue to the public, and even to the class affected by it, and therefore justifying the act. But it is quite different with regard to what is prospective. The first part of the clause, which deals only with contracts to be hereafter made, does not violate essentially any of the principles of property. It merely introduces a compulsory term into all such future contracts, and inasmuch as you leave these contracts free in other respects, you will find that this power of contracting in other respects will greatly tend to modify, perhaps even to neutralize, the force of the compulsory term which you introduce into the contract. Whether it is wise or not to try so to arrange things is another question; but it is not taking away property, it is merely dictating one of the terms on which the relations of landlord and tenant shall be constituted hereafter. But to interfere in that way prospectively with freedom of contract—to dictate new terms, and such extraordinary terms as at first sight these are, is a thing which can only be justified by the necessity of the case, and this, again, should not be carried one single inch beyond that necessity. And here the principle is obvious on which you do both the one and the other. You believe that there is a certain class of small tenants in Ireland who cannot be trusted to contract freely for themselves. That justifies both the prospective limitation of the power of contracting, and also, in some degree, the modification of existing contracts; but it is of essential importance to keep within the limits of the necessity. Let us see how the Bill deals with the matter. And I come now to points in which it seems to me the Bill, as it stands, is really open to fair censure and criticism. Surely the necessity of interfering with existing contracts cannot possibly apply to holdings above a certain value, nor to *bonâ fide* leases of definite duration. As to those leases, it has been truly said that the men who take them understand perfectly well that they take them for a definite term, and that they are to give up their holdings at the end of that term; and they have no right afterwards to say they have made arrangements, or done anything whatever, except in view of that well-understood part of their contract. I speak of *bonâ fide* leases, because I have not forgotten what was said the other night by my right hon. Friend at the head of the Government, and which deserves our attention — namely, that if you except everything that looks like a lease; you might have a nominal lease made for a year or so merely to get out of the operation of the Bill. Now, I think you might, perhaps, take the limit of seven years, though I would not bind myself to that. Seven years would, at all events, be a *bonâ fide* and not a merely colourable lease; and I do not see why, if a farmer enters into a lease for seven years, or for any longer period, you are to alter his contract, and to say that after the expiration of the seven years it shall be continued as a lease from year to year, which is a totally different thing. Then, as to holdings over a certain value, I wish the Committee and the Government to see what the actual effect of this Bill is. The retrospective part of the 3rd clause extends absolutely to yearly tenancies of any value whatsoever. If there is a tenant from year to year of 500 acres, at £2 an acre, that tenant cannot receive notice to quit without being enabled to call upon his landlord to pay him a year's rent under this new scale. Well, Sir, that is perfectly extravagant. [An hon. Member: He is to prove his loss.] We have had a comparison drawn between the language of the right hon. Gentleman the Chancellor of the Exchequer tonight and the view submitted, I am sure *bonâ fide*, by some other Members of the Government on a former occasion. We certainly did hear before, that *primâ facie* the Judge would give every tenant the full amount of compensation, unless his landlord could show a good reason for reducing it. It may be said, that the Bill itself does not require that to be done; but I shall presently show, when I come to observe upon the effect of the change in the 3rd clause, that there will be the greatest possible difficulty—unless some words are introduced into the 14th or Equities Clause—in resisting the conclusion that the Bill means *primâ facie* that the value of the loss of the holding shall be assessed at the maximum, leaving the amount subject to be reduced. At all events, if that be not the intention, there ought to be much more care taken with the words of the 14th clause than has been taken at present, in order to make it plain that the landlord is not to be mulcted in that manner when he has good reason to show for giving notice to his tenant to quit. Without any reason for it, that I can imagine, you bring in large tenancies which ought to be excluded. You have words in the retrospective part of the clause which introduce every tenancy from year to year whatever its amount. That flagrantly interferes with the rights of property; which can only be justified where there exists that kind of necessity for it which the Chancellor of the Exchequer pointed out. But, even in the prospective part of the clause, it appears to me that you go much farther than can be justified by any sufficient reason, because prospectively any tenancy, whatever may be its magnitude, is included, except under the limitations of the 10th clause. What are those limitations? One is, that, if the tenancy is over £100, it may be excluded by contract. But there is another class of tenancies—those over £50 and under £100, value. I am satisfied, from all I have heard of Ireland, that tenancies of land, valued at £50 a year and upwards, are not tenancies of the class which requires this extraordinary legislation. I am convinced that we may safely except them altogether from the Bill, and I am prepared, therefore, to agree with an Amendment of which an hon. Friend behind me (Mr. W. Fowler) has given notice which would have that effect. What do you do in the 10th clause as to these tenancies? Why, you propose to except them also; but only upon the condition that there must be a twenty-one years' lease, and very special provisions as to improvements, which are to be made by the landlord, or to be made substantially at his expense. I see no reason for that. These are cases in which the parties can be, and ought to be, left to make their own contract, and the moment you get into a region of value beyond that with which political necessity compels you to deal, you expose yourself to this remark, that you are doing something which, if just in Ireland, would be just in England and Scotland too. On the subject of leases, it seems to me that the latter part of the 3rd clause, which says that a lease of thirty-one years shall take a tenancy out of the clause, is very much like proscribing in Ireland, as far as you can, all leases for less than thirty-one years. For what conceivable reason? In England an ordinary agricultural lease does not exceed twenty-one years, and seven or fourteen years is a common term. In Scotland, I believe, nineteen years' leases are common. But no one has ever pointed out, so far as I know, that in the case of Irish leases, where you deal upon terms corresponding to those common in England and Scotland, you are dealing with a class of tenants who cannot be trusted to make and understand their own bargains. And I certainly, for my own part, see no reason why any *bonâ fide* lease—and seven years, at all events, I hold to be a *bonâ fide* term for a lease—is not to take effect according to any contract between the parties in the past or to be made in the future. I have a few words more to say, about the magnitude of this enormous scale—for enormous it does appear to me to be—now that it covers nothing except the disturbance of the tenancy. And it must, I really think, have been so originally in the view of the Government themselves, because as the Bill stood at first they made it the measure of two things, one of which, if it is now to be left out, so as to make it the measure of only one of those two things, shows, to say the least, a considerable alteration of opinion on their part in that respect. Is it not really an enormous thing to say that the loss by eviction is to be measured in any case whatever at so much as seven years' rental? And here I cannot help pointing out that under the 8th clause it is proposed to apply that principle retrospectively, even to some cases of eviction for non-payment of rent. I come now to the point to which I alluded before—namely, the way in which the change made in this 3rd clause will affect the usefulness of the 14th, which is called the Equities Clause, as modifying and mitigating the severity of the 3rd. When you couple together two such things as improvements and loss by quitting the tenancy, then it is very fitting to give one reading to this clause and the 14th, because there would be an enormous margin for the judgment of the court, for the improvements must be taken into account in every case, and it must necessarily be, that there would be a variety of cases. But when you have nothing whatever to deal with except the single fact of the loss by disturbance of the tenant, that is, *primâ facie*, much the same for one man as for another. The 14th clause, or any other that I can find, does not say that the landlord may raise his rent at all. It would look like an absolute fixing and assessment of the value by the Legislature. It will be for the Committee to make up its mind whether the claim ought not to be disallowed altogether if the conduct of the tenant has been such as to justify the landlord in giving notice to the tenant. The matter is left so vague that I am not certain how it would be dealt with under the 14th clause. I venture, therefore, to submit that we ought to put words into that clause to the effect that no compensation for disturbance under this 3rd clause ought to be given if, in the opinion of the Court, the landlord is justified in giving notice to quit. Now, as to the effect of omitting the 16th clause, which says that a thirty-one years' lease shall take away the right of claiming compensation, that clause enables the landlord, instead of paying a sum of money down, by postponing the practical enjoyment of his property for thirty-one years, to get rid of the operation of this 3rd clause altogether—a very valuable and important thing to those landlords who might desire to fall back upon freedom of contract, or not to have those claims enforced. But that clause is now to be struck out, and for a reason which I, for one, am entirely unable to appreciate. It is said that it would be very undesirable to bring the question of rent under the consideration of the Court. But do you not, in the clauses which remain, inevitably bring the question of rent under the consideration of the Court? The 8th clause says that, under existing tenancies, a man evicted for non-payment of rent shall not be entitled to compensation unless the Court decide that he ought on special grounds. What is that but saying that the question of rent shall come under the consideration of the Court. The Equities Clause, too, though it does not say one word about rent, must be understood as authorizing the Court, in cases in which the landlord proposes to raise the rent, and the tenant says—"I wont have my rent raised," to enter into the question whether the proposal of the landlord to raise the rent is a fair one or not. If, then, the judgment of the Court must be formed in all these cases, why should you be so desperately afraid of its being formed as to the reasonableness of a lease under the 16th clause? Why not let the landlord settle the terms of the lease he may wish to offer, and the Court afterwards, if the tenant refuse to accept those terms, judge whether the lease was fair and reasonable? It appears to me that is what must be done if the two parties come into court, the landlord desiring to raise the rent and the tenant refusing to pay it. In behalf, therefore, both of the landlord and the tenant I think you ought to retain the 16th clause, I do not say exactly in the terms in which it stands, but subject to such amendments and modifications as may be thought expedient. There is one other point which has made a considerable impression on my mind, and if that impression be unfounded I trust in the course of the discussion it will be shown to be so. There is one part of the 3rd clause—the prospective part—which appears to me likely to turn out a very great delusion; it relates to the new contracts after the passing of the Act. The tenant is to take the land from year to year, or for an indefinite term of years, with the obligation upon his landlord that if he evict the tenant or reclaim possession at the end of that period, he must make the payments prescribed, or such as the Court may judge reasonable. In all other respects, you leave the power of contracting after the Act between landlord and tenant open and free. The land is supposed to be in the landlord's hands; he is not obliged to let it to any tenant, and what will be the consequences of your saddling the landlord with this contingent liability? The first consequence will be an increase of rents. The landlord will necessarily seek to indemnify himself for this contingent liability. Suppose he wants to give a seven years' lease, and that the fair rent would be £50 a year. You say that at the end of the seven years' lease, the contract being fulfilled and the landlord wishing to get possession of the land, he is to pay the tenant a sum not exceeding two years' rent. Well, what will be the result? The first step will be to make the land leased for seven years practically realize nine years' rent, in order that he may be able to pay upon your scale; and, therefore, instead of £50 the tenant will have to pay £64 on the land. The Legislature has fixed this burden on the landlord, and manifestly the landlord, in some way or other, will in the long run get his price for the land. There is no doubt about that. It will, again, have a tendency to increase the size of holdings. That may be a good thing; I believe it is; but we must take notice of it. It will have a tendency to increase the size of holdings, because if the holdings are small the landlord comes under a more burdensome part of the scale, while, if they are larger, the liability will be less burdensome. Then you offer the greatest inducement to the landlord not to let the land at all, but but to keep it on his own hands. Since nothing but a thirty-one years' lease can take the holding out of the operation of the clause, the tendency will be to drive all bargains between landlords and tenants to thirty-one years' leases. That, too, may be a good thing; but we must take notice that this is the way in which the clause will work. In some cases I believe it would do good, but in others it would do harm to the tenant. If you offer an inducement to the landlord, in order to make himself safe, to put on a greater rent than he would require in ordinary cases—because in the great proportion of those cases he will not seek unreasonably to evict the tenant—the consequence will be that the tenant will have to pay an increased rent. And the consequence of that may be that the tenant will be less able punctually to pay his rent, and, therefore, will be more liable to be evicted. Eviction for non-payment of rent will disentitle him to compensation under this 3rd clause; and so the necessity you put the landlord under of increasing his rent may lead to the tenant being unable to pay, in which case he will get no compensation. These considerations, to my mind, throw great doubt on the wisdom of this clause. But upon these points I am willing to defer to the judgment of those better acquainted with Ireland. If, notwithstanding all these objections, they should think the clause even as it stands for the benefit of the country, I should not be disposed to throw any difficulty in the way. All I will undertake to do is to support, as far as I can, any improvements or amendments that may be made in it in the way I have indicated; but for the particular Amendment of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) I think I ought not now to vote.

Mr. CHICHESTER FORTESCUE: I have listened, Sir, with much attention to the speech of the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy), preceding the one we have just heard, for the purpose of ascertaining whether he put that interpretation on the clause as originally proposed by the Government which the right hon. Gentleman the Member for the University of Dublin (Dr. Ball) and the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) on last Friday appear to have done. I was very anxious to learn whether they still maintain that the Government, in proposing the Amendment which has been put on the Paper in my name, have done what the right hon. Gentleman the Member for Buckinghamshire the other day called the introduction, not only of a new clause, but a new Bill. Although the right hon. Gentleman the Member for the University of Oxford was somewhat indefinite in his statement, the only way one could put any definite meaning upon that statement, or upon the eloquent phrases of the right hon. Member for the University of Dublin the other night, was by assuming that those right hon. Gentlemen have entirely and absolutely misunderstood the whole meaning of Clause 3, as proposed by the Government. That, in the case of Gentlemen of great sagacity and perspicacity, is not a little astonishing. If the argument of these right hon. Gentlemen means anything, it means this, that after long and careful deliberation, the Government intended nothing but this, that where the Court should find improvements upon the farm of an evicted tenant which deserved compensation, over and above the value of these improvements, something additional was to be given by way of compensation for disturbance. Nothing on the face of the Bill, and nothing which has been said by the Government, ought to countenance such an interpretation. The Government always intended that over and above the question of improvements and separate and distinct from them there should be, at the discretion of a competent Court, a certain award given in consideration of the loss by the tenant of continuance of occupation; and I believe we have succeeded in making that plain to all but the two right hon. Gentlemen opposite. Nevertheless, after all the discussion which this land question has gone through, we are now informed that the question of evictions in Ireland is so insignificant in itself that it is beneath our notice, that the only question to be dealt with is the question of improvements, capable of being measured by the scale and the pound, under the rigid survey of the court. If that were the opinion of the right hon. Gentleman opposite, I am sorry we did not discover it sooner, because not only by the terms of the Bill, but by our whole language we made it manifest that we had come to the conclusion, forced on us by the circumstances of Ireland, that the land question is not to be settled by mere compensation for improvements. I beg to state that the right hon. Member for Oxford University, who says that evictions are very rare in Ireland, takes a most inadequate and delusive view of the matter. No doubt they are rare compared with their number in former years, because public opinion has become stronger, and the tenant class has ceased to be so helpless as it was, especially in the years immediately following the famine. And another reason, which all must deplore, now renders evictions comparatively rare. Eviction, indeed, is the *ultima ratio* to which the landlord resorts; but let the Committee consider the number of notices to quit. If the Committee would only read the Reports of the Poor Law Inspectors, whose knowledge and impartiality are beyond suspicion, it would see in what a state of continual insecurity Irish tenants often live — insecurity not depending on the mere number of evictions that can be recorded in a Return or in a Blue Book. The right hon. Member for Oxford University taunted the Government because the Bill was, as he said, rejected by certain authorities, lay and clerical, and he seemed to think that their disapproval was an argument in his favour; but that disapproval really meant that, instead of taking the moderate and efficient course of imposing conditions on the exercise of the landlord's power of eviction, the Government ought to annihilate and destroy the power altogether. Our belief is that by the efficient though moderate course we have taken in this Bill we shall save Irish landlords from an agitation which would be far more formidable than anything which has hitherto taken place. It is not for me to deny that this 3rd clause will impose a new condition on the exercise of certain rights of property. It will impose a new condition on the exercise of the right of eviction, and why should we deny it? But that is not the only new condition. The conditions with respect to improvements, which had the sanction of the right hon. Member for Buckinghamshire, are also new. They are retrospective, and the right hon. Gentleman agrees to them; and it would be strange if he did not, because he and his party have agreed to them before. The right hon. Member for Oxford University says that by this clause we are forcing on all landlords that which the benevolence of a good landlord prompts him to do. I take that mode of viewing the case, and I say that in choosing this method of restricting the use of what in the circumstances of Ireland is a most formidable power—that of eviction—we have adopted a course most consonant with the usages of the best managed estates in that country, and creating the smallest interference between the landlord and the tenant, and we have not established anything which is unfamiliar to the Irish people. I deny the statement that we are taking so much out of the landlord's pocket and putting it into the pocket of some one else, and in confirmation of the correctness of my denial I need only point to the example of Ulster. By the security afforded under the clause we believe that such a stimulus will be given to the cultivation of land that the profits of agriculture will be augmented, and we also believe that the landlord will share in the augmentation by the increase of price in the selling value of the land, and by the increased rent given by the tenant. I now come to the speech of my hon. and learned Friend the Member for Richmond (Sir Roundell Palmer), whose tone was very different from that of the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy). My hon. and learned Friend did not attack the principle of this clause, for he had not changed his mind since he supported the second reading of the Bill. He did not object to the imposition of a legislative check upon improper evictions; he only attacked some of the details. He did not for a moment contend, as has suddenly been contended by the right hon. Gentleman opposite (Mr. Disraeli), that this is a new principle—a new Bill which has been suddenly sprung upon them. The Amendments of the Government were placed on the Paper on the earliest possible day, and there was nothing sudden or unexpected in their proposal. My hon. and learned Friend the Member for Richmond did not attempt to say that any new principle has been introduced by what we have done. Undoubtedly we have liberalized the clause in favour of the tenant—that is to say, we have secured two things—first, that no disturbed tenant shall lose any part of the value of his improvements by any arbitrary scale; and, secondly, by taking out of its provisions a certain class of improvements originally within it, we have left a larger discretion to the court as to the loss of possession than it had before. The second objection of my hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) was that we had given up the proposal which would have enabled the landlord, by the mere tender of a lease, to withdraw himself from the provisions of the clause. Now, that was a question of no little difficulty; and, upon full consideration, we certainly came to the conclusion that the tender of a lease, which is very different from a lease actually accepted by the tenant, was not sufficient. We believe it would be beneficial that the landlord should be under the obligation of offering to his tenant so fair and reasonable a lease that the tenant would be induced to accept it; and we believe that in numerous cases, on large farms especially, if the landlord offers a tenant a thirty-one years' lease not hampered by any unreasonable covenants the tenant would be very happy to accept it, thus placing himself in absolute security for thirty-one years. On the other hand, it would have been very possible for a landlord, even with the consent of the court, to force a lease for a thirty-one years' term on his tenant which his tenant would be very unwilling to accept; for the phrase of the right hon. Gentleman (Mr. Disraeli) was a very inaccurate one when he talked of the landlord conceding a lease. Under the clause, as it originally stood, a landlord had the power of forcing a thirty-one years' lease on the tenant. That, on consideration, we thought was going too far in the matter. This power of tendering a lease would have been absolutely impossible—out of the question, except under the control and by the intervention of the court. But my hon. and learned Friend complains very much that leases for less than thirty-one years should not exempt a landlord from the operation of this clause. He thought it very hard that leases for seven years should not exempt the landlord from the operation of the clause. But does my hon. and learned Friend consider what a seven years' lease really is? I am constantly struck with the difficulty which even the most enlightened and benevolent Members from England and Scotland find in judging of the state of things in Ireland. They are familiar with a condition of things so entirely different that even with their best efforts they can hardly bring their minds to take in the view of what a seven years' lease would be in Ireland. It is totally different from what it would be in this country. My hon. and learned Friend knows it is different; but he cannot bring his mind into a position to see that an Irish tenant, for whom, in the great majority of cases, a landlord does nothing, might, with a seven years' lease, be not a whit better than with a tenancy from year to year. In Scotland a farmer takes possession of a farm like a gentleman. He has no occasion to lay out capital. He has only to go through a course of intelligent tillage, and if, at the end of his time, he carries away with him the value of his unexhausted oilcake and guano he does very well. In Ireland the case is totally different. But, then, my hon. and learned Friend makes another plea, not in behalf of the landlord, but in behalf of the tenant, and no doubt he makes it with the same sincerity which characterizes all that he says; but when he asks in the name of the tenant whether the protection given by Clause 3 will not do more harm than good, I should like him to ask the Irish tenants themselves such a question. No doubt they wished a more stringent and cast-iron rule to be applied to the relation of landlord and tenant; but if my hon. and learned Friend sees no advantage, but, on the contrary, some danger in the restriction placed on the power of eviction, I cannot conceive a more unfounded alarm than that which is passing through the mind of my hon. and learned Friend. He thinks that the landlord who finds himself subject to this condition for the possible use of his power of eviction will make up for it by increasing the rent. Well, but the higher he raises the rent the more he will have to pay if he uses the power of eviction improperly. But even on the supposition that the tenant will have to pay somewhat more in rent, even if he be subject to an extreme rent, I am quite assured he will be happy to pay it for the security he will enjoy that he will have a full return for any outlay he has made. The problematical danger on that head will not alarm one tenant in a thousand in Ireland. The same considerations apply to the supposed temptation to consolidate farms. Why are farms not consolidated now, when landlords have nothing to pay for it? In future they will find it a most expensive luxury. The proceeding does go on to a certain reasonable degree in the best parts of Ireland; but it causes no discontent. On that head, also, the alarms of my hon. Friend will not be justified by the experience of the tenants of Ireland. It is impossible to deal fairly with this clause, which is the most important clause of the Bill, without going back, I will not say to the first principles of political economy, but to the assumptions and facts upon which the Bill rests. If Ireland were in a good, or even in a tolerable condition, there would be no need for this Bill at all; the foundation upon which this Bill rests would be cut from under it. But I contend that the means we have taken for putting an end to the state of things which exists, and establishing something better for the future, are the safest that can be found, involving the smallest amount of disturbance in the relations of all parties. In authorizing the interference of law the Government have refrained from doing so further than was absolutely necessary, and they have postponed the period of interference till a dispute shall have actually arisen between the parties; the interference will then occur without destroying any rights of property, or taking away any fair rights of the landlord over his land, or any interest in it which he possesses. What the Bill imposes is a sufficient and salutary check on the use of a dangerous power, which often is exerted rightly and properly, but too often is used wrongly and inequitably. The question all turns upon this—are we satisfied with the past history and the present condition of Ireland? Are we to forget the past and to start upon some theoretical scheme for the future? We start from a condition of things which we maintain not to be good or even tolerable—not to be sound or healthy, but to be unsound and diseased; and what we seek to do is to apply a cure, the most moderate that we can find, to relations that are unsound and diseased. In our opinion no gentler remedy, provided it be efficient, can be found than that which we have laid before the Committee. Other nostrums—I will not call them nostrums, I retract the word—other remedies have been proposed more violent in their nature, but I do not admit them to be more effectual; and these remedies, after the fullest consideration, we have felt it our duty to reject. Those remedies are not confined to the phrases we have heard so much of—fixity of tenure, perpetuity of tenure, valuation of rents, and so forth. Gentlemen of great weight and authority, and with great powers of mind and sincerity, as I know, have put forward other plans, which we also felt bound to decline. There are politicians who conceive themselves to be far more moderate than the advocates of fixity of tenure whose proposals we have felt ourselves unable to adopt. Take, for instance, a favourite remedy with some—the principle of compulsory leases for all Ireland, which has been warmly urged by some friends of mine who think it a moderate measure. In our opinion that would be a cast-iron rule applied to every landlord and tenant in Ireland without discrimination; and it would have carried with it the necessity for a revision of rents all over Ireland, because to impose the present rents, whether high or low, upon all landlords and tenants in Ireland, with a compulsory lease for thirty-one or sixty-one years, would have been a proceeding of the most violent and inequitable kind. On that, as on other matters, we made up our mind to avoid interference by the Legislature until it should become absolutely necessary—to give every inducement to the parties concerned to make up their differences between themselves, and to reserve the State interference—taking care that, when applied, this interference should be effectual for its purpose—for occasions when these differences seemed to be irreconcilable. Of the remedy which we propose this clause is the central and essential part; without it it would not be worth the while of Parliament to pass the Bill. Of all the remedies which have been publicly proposed, it is the most moderate, the gentlest, it interferes least with the relations between landlord and tenant. Recognizing that fact, and the essential importance of this part of the great measure which is now before them, I trust the Committee will, without hesitation, sanction the clause in the form in which, after the fullest consideration, it has been submitted by the Government.

MR. C. S. READ was one of those who had spoken in the second reading of the Bill, giving to it a most hearty and unhesitating support. The Amendments, however, which had since been made, and the observations by which these were accompanied, had very much diminished his appreciation of the merits of the measure. In its original state, the Bill showed that it had been drawn by a most skilful lawyer; but the Amendments recently introduced all tended in one direction, and all pointed to the same idea—that of pleasing the Irish tenantry, taking no thought at all of the point which he believed to be essential for the regeneration of Ireland, and that was the improvement of its agriculture. As the Government had refused to take any hint, or to receive any counsel whatever from agriculturists sitting on their own side of the House, it was not to be expected that they would heed his remarks. Still, he believed that the effect of the only clause which had as yet been passed, so far from improving Irish farming, would be to wrap up the Irish tenant in the swaddling clothes with which he was now encumbered, and to encircle him with an iron band of rude and unreasonable customs. When, upon a former occasion, he ventured to observe that in the Bill he saw no provision which allowed a lease of thirty-one years to extinguish the Ulster tenant-right, he was told by the Prime Minister that there was a clause to that effect in the Bill. He trusted the Solicitor General for Ireland would point it out. Again, one of the most valuable clauses in the Bill for the future welfare of the Irish farmer was Clause 16; but this had been struck out of the Bill. And in separating compensation for improvements from compensation for eviction, he did not hesitate to say that a principle novel, unnecessary, and revolutionary, had been introduced into the Bill. He had been told that there was one gentleman in the county of Galway who paid £10,000 a year rent, and he had not the least doubt that he was considerably richer than his landlords. He knew several gentlemen in the counties of Meath and Westmeath, all well-to-do graziers, who were paying from £1,000 to £2,000 a year rent. It was said that these men, if they received a notice to quit, could each claim a specified compensation, but that the damage must be proved. That was easy of proof; for a man who farmed land at 30*s.* an acre which was worth 50*s.*, was obviously injured to a much greater extent by being turned out of his occupation, than a man who paid rack-rent. It had been said by the Prime Minister that there were no poor men in that House—a statement that, for his own part, he hoped his bankers would always be able to endorse—but till the year he entered the House, every sixpence which he possessed was invested in the occupation of land. He believed he might say that, in a singular and peculiar degree, he represented the tenant-farmers of a division of an agricultural county where there were hardly any leases, where the tenants were under a six months' notice to quit, and where, he was sorry to say, there was no compensation at all for unexhausted improvements. Yet the tenant-farmers of that county had come to the deliberate conclusion that the Government, by the introduction of this new principle, were confiscating the rights of the landlords without conferring any equivalent benefit upon the present tenant, and with the certainty of inflicting a very considerable fine upon all the tenants that came after. That was the present conviction of the tenant-farmers of the county which he represented; but he did not assert that they would always remain of the same opinion, when they saw leading statesmen like the Chancellor of the Exchequer, in the course of two short years, rise at one side of the House, and assert that Irish tenants ought not to be paid for their improvements which they had made in the soil, and then, when he sat on the Benches opposite, declare that Irish tenants ought to have the power of inflicting a fine of seven years' rent upon their landlords. Now, why should this principle be confined to land, and why should it not extend to houses? A medical man might carry on business in a house, the retention of which was essential to his practice, yet, if he were ejected, notwithstanding the inconvenience which this involved, persons never thought of giving him sixpence. Take the case, again, of a man in a shop, to which by intelligence, industry, and fair dealing, he had attracted a large custom; if that man were ejected, and could not find another shop at hand, he would be deprived without any compensation of a certain amount of property which he himself had created, because a large amount of goodwill always clings to an establishment. Then why should they not apply this principle to the cases of mortgagor and mortgagee, of borrower and lender, of employer of labour and employed? Let the Committee take an instance from his own experience. Suppose he had upon his farm a labourer who had been in his employ 20 years, and during that time had lived in a cheap cottage, and suppose further that for some reason he were to get rid of the labourer, why that would be to the man a greater injury than could possibly be inflicted upon one of the miserable farmers in Ireland to whom reference was being constantly made. Then take the case of the Irish cottiers, a class which would, it was supposed, be created by this Bill. A farmer in his mercy allowed such a man to reclaim a corner of some barren field, and to build a little cabin upon it; but there was no clause in the Bill to protect the cottier, though it was proposed to protect the farmer, his master. Going further, he would ask why the principle they were discussing should not extend to England as well as to Ireland. They were told it could not, because the competition for the possession of land was so very great in Ireland. But was the competition not great in England also? Let the Committee take an instance. A few years ago an uncle of his own, a farmer, died early one morning, and on his proceeding at once with the intelligence to the agent of the landlord, who lived some fifteen miles away, that gentleman said he knew all about it, as he had already had seventeen applications for the farm. This was a single instance, and if he were a grievance-monger he could add to it a hundred others, including several cases of arbitrary eviction from farms. He admitted that there was a difference between England and Ireland; but was there no State on the Continent of Europe with which the latter country could be compared? In a very large Blue Book issued to hon. Members last week on the land tenures existing in different countries, he found a description of the Belgian system. In Belgium, between the years 1836 and 1844, agrarian outrages of the most violent character were common. Almost identically the same incidents had occurred there as they had seen in Ireland. The only difference was that in Ireland an epidemic seemed to break out every three or four years, whereas in Belgium they had been contented to have one great dose at once. They had had during that time, however, blowing up of mills, incendiarism, outrages, murders, and assassinations. But, since 1850, they had entirely ceased, and now Belgium was farmed by so peaceful and happy a race, that his hon. Friends the Members for Hereford and Banbury thought this country might well follow the example of Belgium. But how had this been brought about? Not by bringing in a Bill to subvert the rights of property, but by adopting towards disturbers of the peace measures so energetic and severe that in the year 1850 they hanged the last man who hired himself out as an agrarian assassin, this man's fee being the small sum of 90*f*. The Belgian Government did not, as he thought they ought to have done, introduce a proposition to pay the tenant for unexhausted improvements, but we read in the Report that the Government had hitherto abstained, and would in the future abstain—

> "From legislating upon the relations of landlords with their tenants, as to the granting of leases, raising rents, &c., considering that such action would be interfering with the individual rights of property."

Her Majesty's Government having issued this Blue Book, he would ask why they could not have emulated Belgium, instead of introducing a measure which would interfere with the rights of property. On his reputation as a practical farmer he would make the statement that to inflict upon the landlord the fine proposed in the compensation clauses of the Bill might for a time infuse a sort of sleepy confidence into the minds of existing tenants; but the effect on the future tenantry of Ireland would be most disastrous, because it would be impossible to injure the landlords without in the end injuring the tenants also. They might mulct a landlord in damages;

but they could not restrain him from raising his rents in order to recoup himself for the compensation he had to pay to his outgoing tenants. It would be a sad thing for Irish tenants if the landowners were to be transformed into huckstering traffickers in the soil, and he was sure the tenants would rather continue to rely upon the liberal, just, and Christian principles for which Irish gentlemen had been so justly celebrated. He hoped he should not be misunderstood. He fully agreed with the compensation clauses, and would even go further than the right hon. Gentleman the Member for Buckinghamshire, by awarding compensation to a farmer for the loss he might sustain by forced sales of stock or implements consequent upon hasty or arbitrary eviction; but for goodness' sake let them not compensate him for something he never lost, or compel his landlord to buy from him that which he had no right to sell. Let hon. Members depend upon it that if they did this they would place upon the Irish tenant of the future a burden so heavy and a yoke so intolerable, that he would curse the day on which the Imperial Parliament in its wisdom created for his special benefit this new property in occupation.

Mr. BUXTON said, he was of opinion that the hon. and learned Member for Richmond (Sir Roundell Palmer) had made out an incontestable case against that portion of the Bill which referred to tenants who were in secure possession of their holdings, for the Bill was not intended to protect persons so situated. The Bill was intended to satisfy the great mass of tenants, those who had small holdings and were almost always under six months' notice to quit. The right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy) had asked whether this measure was consistent with the rights of property? He (Mr. Buxton) was sure that if it was not it would be denounced by every party in the House. Nothing could be more disastrous to this country in the long run than to admit, as one of the maxims by which the policy of the House might be guided, that the rights of property might be invaded whenever it might seem convenient or expedient to ignore them. If this Bill really tended in that direction he should not have supported the second reading; but he could not believe either that the Government would have brought in a Bill embodying such an intention, or that, if they had done so, the House would have supported its second reading by an enormous majority. The Amendment moved by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) indicated clearly that he wholly misunderstood the true grounds by which this measure could be justified, as one that, so far from interfering with the rights of property, really tended to their stricter maintenance. Having studied this subject, he (Mr. Buxton) affirmed that this Bill was, in reality, not an invasion, but a vindication of the rights of property. He did not agree with those who had been arguing in favour of this Bill upon the ground that the House was obliged to step in between the landlord and the tenant in Ireland, and set aside the contracts freely entered into between them, because one of the contracting parties was not well able to look after his own interests. That principle would be fraught with extreme danger. No doubt two or three instances had been mentioned, in which the law had apparently acted on that principle; but if it were deliberately adopted on so vast a scale, as the basis of a great national policy, it might go a long way towards the disintegration of society. It would, at any rate, be a retrogression from the policy by which the Liberal party especially had been actuated during the last thirty years. The only true ground on which the Bill could be justified was, that it was not an interference with freedom of contract, inasmuch as the position of the Irish tenantry—at any rate, of the great mass of them—was not that of men who have entered into any contract at all. He denied that the tenure of land in Ireland, as a general rule, was the tenure of contract; and upon that ground, and that alone, he was persuaded that a measure so stringent and bold as this could possibly be supported. Perhaps those who had not been in the habit of studying these questions might be astonished at the notion that the relation between the landlord and the tenant under him could in any case not be that of two men of business who had entered into a contract—the one bargaining to cultivate the soil and pay a rent to the landlord, the other to allow him to enter upon it in order to do so. The fact, however, was that the tenure of land by contract was a novelty in the world. It was a thing unknown anywhere until the most recent times. Even at the present moment it was utterly unknown in Asia, in most parts of Italy, in Russia, and in many other parts of Europe. Probably in at least two-thirds of the surface of Europe it was unknown. It was unknown wherever aboriginal tribes still occupied the soil. It was, in fact, the invention of an active commercial people, who had imported into their dealings with the soil those methods of business with which they had been made familiar by commerce. And, perhaps, many hon. Members might not be aware, and might hear it with some astonishment, that it was only within the last nine years that the tenure of land in Ireland had been regarded in the eye of the law as being a tenure by contract at all. It was not until 1861 that a law passed through Parliament which abrogated the then existing tenure of land in Ireland, and declared that, henceforth the relation of landlord and tenant should be deemed to be founded on contract, instead of, as formerly, upon tenure or service. Until nine years ago the tenure of land by contract in Ireland was unknown to the law, and the plain truth was that the tenure of land in that country, at least among the smaller holders, had to this day the characteristics of the system which prevailed in all but the most highly civilized and commercial nations of the world. This fact was brought out with extreme force and vividness in a work published at the end of last year by Mr. George Campbell. Having been intimately familiar with the tenure of land in India, that gentleman paid two visits to Ireland, and thoroughly studied the land question there, and he showed, beyond all possibility of question, that there existed to this day in Ireland abundant traces of the same ancient system of tenure, and that, in fact, to this day the Irish tenantry hold their land upon a tenure into which contract between landlord and tenant does not really enter. Mr. Campbell said—

> "The present state of Ireland, her poverty, her agrarian crimes, her chronic discontent, have been in no small degree owing to that idea which lies so deep in the mind of the Irish peasantry, the idea that the tenant is, in truth, joint owner with the landlord; that the two are, in fact, co-partners, and so long as the tenant pays a fair share of the rent to the lord, he has a right to remain on the land. With this idea one of a perfectly distinct character has often been confounded—namely, the idea that the tenant is the true owner of any additions and improvements he may have made at his own cost on the land, and is entitled to be compensated for them when his lease expires."

Sir John Davies found exactly the same system existing in Ireland as Lord Cornwallis long afterwards found in India. It might, perhaps, be replied that whatever the ancient tenure of land might have been among the native Irish, yet, at any rate, since the time of James I. that ancient system had been abrogated, and its place taken by the mercantile tenure of mere contract. This, however, was not the fact. Though the ancient relation of the chief and his people was destroyed, it was not "tenure by contract" that took its place. At that period tenure by contract had made little way even in England, and the system which James I., or rather his adviser, Lord Bacon, adopted, and which was well worthy of his wisdom, would have put the Irish tenant into a position of still greater security than that which he had before enjoyed had it been carried out in its entirety. By degrees the tenant had become a victim to immense and uncertain exactions from his chieftain. Lord Bacon took precisely that step afterwards taken by Stein and Hardenberg in Prussia, and commuted those exactions on the tenant for an annual quit rent, the tenant holding his land by a free tenure. Most unhappily, this wise policy was soon cast aside, and the precautions for giving the tenant security of tenure dropped out of sight. Mr. V. Seeholm had demonstrated this in a very important article in the *Fortnightly Review.* He had shown that while under the feudal system at home and elsewhere the tenant became a copyholder, liable, indeed, to exactions from the lord, often of a pernicious character, still he was not a tenant-at-will, and in time his copyhold became convertible into freehold. The Irish tenant, on the contrary, was neglected by the law, and though he was under precisely the same manorial system, with every one of its quaint and picturesque features, there was withheld from him that feudal security of holding which every other feudal peasantry in the world had had conferred upon them by universal usage. Still, the important point to note was that his position had no relation to tenure by mercantile contract; and it was only nine years ago that the law expressly abrogated that manorial system of tenure of land in Ireland, and declared that henceforth the relation of landlord and tenant should be deemed to be founded on contract, instead of, as formerly, on tenure or service. This change in the law, so revolutionary in its nature, probably attracted little attention at the time, owing to the general ignorance of the subject; but the Lords' Committee of 1868 expressly referred to it in their Report as having "entirely changed the state of the law as to the relation of landlord and tenant." It might, perhaps, seem strange to an English politician to have a practical question of policy mixed up with such antiquarian lore; but the fact was that the Irish question could not be understood unless we mastered the feeling with regard to it of the Irish tenants, and that would be altogether inexplicable but for the light thrown upon it by history. History showed that in former times the occupiers of the soil among the native Irish were in the position of joint owners with the landlord, and that the change made by their English conquerors was not the immediate substitution of tenure by contract for that ancient joint ownership, but that it was the feudal system which they introduced, under which the tenants would naturally have stood in the secure position of English copyholders; and that only within the last ten years had the law avowedly and in terms introduced tenure by contract. Finding that, could hon. Members be surprised at the passionate vehemence with which the Irish tenantry had unceasingly resisted, as an invasion of their right of property, the claim of the landlord to drive them off the soil they cultivated? All this might seem fanciful to those who had not had occasion to investigate the subject, and yet it could no longer be denied that that was the true interpretation of the great movement that had now attained such formidable proportions in Ireland. Nothing was more difficult than to change the ancient traditional ideas of a nation. Until lately the spirit of the Irish had been so crushed by oppression that the idea of obtaining their rights from those who tyrannized over them had almost vanished out of their minds. In the last forty years, however, commencing with Catholic Emancipation, they had been taught that justice was attainable. It was not wonderful, therefore, that the profound sense of wrong with respect to the position of the occupiers of the soil, which even in the most hopeless periods never ceased to make itself heard, should now find utterance in a manner with which no statesman could venture to trifle. It ought, however, to be clearly understood that hon. Members yielded to this powerful feeling not because they dared not maintain the rights of property against it, but because they admitted that, among the great mass, especially of the poorer Irish tenants, their position on the soil was one derived from ancient times. It was not a relation of contract between them and the landlord; but they possessed certain rights in the soil, which had been transmitted to them from ancient times, and which had never been yet subverted, in spite of the lengthened struggle against them on the part of English settlers supported by English law. The English people were at last discerning and acknowledging this peculiar position, and were determined to accord to the Irish tenants those rights of property which had hitherto been ignored by the law, and which did not exist at the present moment in England, but to which the Irish tenants really had, in justice, an absolute claim.

Mr. BRODRICK said, his hon. Friend the Member for East Surrey (Mr. Buxton) had delivered an oration which would have been more appropriate on the second reading of the Bill. His hon. Friend had fallen into the common error of generalizing from a particular instance, and had drawn from his own experiences over a limited area conclusions which were hardly applicable to a country like Ireland, where so many diversities of opinion and of circumstances existed, and where there were great differences between the usages of different estates, and even between different farms on one property. He was aware of the liberal manner in which his hon. Friend treated his Irish tenants; but the course he adopted was not of a kind likely to meet with much favour among the Irish tenantry, for it resulted in the clearance of a considerable extent of land, the safe deportation of the occupiers to America, and the subsequent letting of the property to an intelligent Scotch agriculturist. This mode of dealing with the soil of Ireland was creditable to the kindliness and liberality of his hon. Friend; but he erred if he thought by that means to alleviate the pressure of the Irish difficulty. He agreed with the right hon. Member for Buckinghamshire (Mr. Disraeli) that the Government had changed its front in deference to the opposition from below the Gangway. He had heartily supported the second reading of the Bill, because he felt the Irish tenant was placed at a disadvantage as compared with the English and Scotch tenants, and deserved, on all possible grounds of justice and policy, to be placed on an equality with them. He therefore desired to secure to him compensation for unexhausted improvements, which had always been accorded to an outgoing tenant by everyone deserving the name of a good landlord. He was prepared to go further, and secure to the tenant compensation for any actual loss he might have sustained, and especially for all loss from insufficiency of notice prior to his removal; but there he was compelled to stop. He was aware the Government might might say their Bill, as originally introduced, meant something more; but that something more was so wrapped up in a clause which it was not very easy at once to dissect, that he was prepared to accept it without scrutinizing very narnowly what its precise contents might be. All that was now changed. Right of occupancy had been distinctly avowed, and that avowal had changed a mere Irish provincial question into one of Imperial policy. What differences existed between the Irish and the English tenant which were not met by the concession of claims for unexhausted improvements? He believed the alleged excessive competition for land in Ireland was a mistake. His hon. Friend the Member for South Norfolk (Mr. C. S. Read), whose competency as a judge of such matters no one would doubt, had dealt with that point; and his own limited experience confirmed the view he took. In some parts of Somersetshire the competition for dairy land among small farmers was quite as keen as in any part of Ireland. He also believed it to be quite a mistaken notion that the Irish tenant was always, or even usually, the injured innocent he was represented to be. In his dealings with him—happily of a most amicable kind—he had found him by no means prone to take an unfair advantage, but still sharp and keen-witted, and as good a hand at driving a close bargain as the Chancellor of the Exchequer himself. Beyond all question, too, the Irish farmer thoroughly understood the nature and value of land; he was often a better judge than the landlord or agent in this respect, and would get a living off land on which an English or Scotch farmer would starve. It was very dubious, under those circumstances—the tenant having taken the land fully knowing its value, and accurately appreciating what he could make out of it—whether he should be placed on a different footing as regards contracts from that occupied by the Scotch and English tenant. It had been argued that the Irish tenant had something to dispose of which the English tenant had not. That had been alluded to by the right hon. Member for Oxford University (Mr. Gathorne Hardy), and the hon. Member for South Norfolk. No doubt, in a large number of instances, through the poverty of the smaller class of tenants, and, he hoped, from a real appreciation on the part of the landlords of their duties, sums of money had been given to tenants who had been removed from their holdings. But there was another modification of the value of property in which good feeling and good nature had had no part, but in which fear had been the main element. The sums which in these cases had been levied by the tenant for giving another possession of his holding had been nothing more or less than blackmail. The amount of that blackmail had been regulated by the nerve or necessities of the landlord, by the courage with which he was likely to resist any unjust demands made upon him, or by his ability to encounter the costs of a lawsuit. It was remarkable that in hardly any instance where the tenant was a man of substance and a fair mark for costs, had that sum been either asked for or paid. He left it to the Committee to say whether it was desirable such a demand as that should be clothed with all the dignity and force of law, and whether the Irish tenant for these reasons should be placed in a better position than the farmers of England or Scotland. He warned them that though they might begin here they would not end here. There were districts in England where these debates were read by the tenant-farmers with the greatest possible interest, and where the rights of occupancy were as keenly discussed, and as warmly asserted, as in any Farmers' Club in Ireland. Who could wonder at it? There was no ground upon which this new right could be withheld from the English tenant if it were given to the Irish. In many instances the English and Scotch farmer had done far more to the land than any Irish tenant had it in his power to do; and for this reason they could with full justice claim the right of occupancy if such a right were given to the Irish. There was another objection, which being of a practical nature, commended itself to the special attention of the Government. In the immediate neighbourhood of small towns, of which so many as twenty might be found in one county alone, there were accommodation or town parks of not more than three to four acres. They were let to traders in those towns, and the tenants were supposed thoroughly to understand their own interests. As the town rose in importance, and its population increased, the land in its immediate neighbourhood became more valuable; and he asked the Committee to consider whether it would be reasonable for a tenant on these small farms, when the landlord proposed to increase the rent, to say to the landlord—" You shall not raise my rent, and I will not go unless you are prepared to pay to me seven years' valuation of the land?" The application of such a principle would stop the progress of those small towns altogether. Other difficulties would suggest themselves to the Committee; but the greatest of all was that alluded to by his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer)—namely, the sort of relations which would spring up between landlord and tenant, if they were to be incessantly dealing with each other at arm's length. He believed it might be laid down that there was no legislative enactment intended to interfere with the ordinary dealings of a people among themselves which was not, by some ingenuity of the lawyers, made of none effect. It was so with the severity of the old feudal laws, which were mitigated by the doctrine of trusts; it was so with the worst provisions of the Penal Laws, which the good sense and good feeling of the community found a way to evade; and he believed it would be so with this Bill if it passed in the form in which it was now presented to the Committee. He entirely agreed in the remarks of the hon. and learned Member for Richmond how that it would be possible under this Bill for a landlord to exact the highest possible rent from his tenant, and to deprive him of every benefit it was supposed he would obtain under it. If this clause were amended in the way now proposed by the Government, it would operate so as to embitter the relations that now existed between landlord and tenant in Ireland, and would drive down to one dull level of the least-cared-for and worst-managed estates those properties that had had the good fortune hitherto to be held under kind and indulgent landlords.

Sir PATRICK O'BRIEN said, he felt certain that the Government had, in introducing the measure now before the Committee, intended that it should be a just and conciliatory one; yet he always had been, and still was, of opinion that no satisfactory result could accrue from the passing of this measure; and had he had the good fortune to catch Mr. Speaker's eye in the course of the debate upon its second reading, he should have explained his reasons for entertaining such a belief. The reasons, however, which he should then have ventured to offer were not those which at present he would offer to the House. Since the second reading a Blue Book had been presented to the House, furnished in obedience to the requisition of the noble Lord the Secretary for Foreign Affairs, in which he had invited our Diplomatic Agents at every Court and Government to not alone furnish all particulars connected with the agriculture, with the land tenure, and social condition of the people amongst whom they might happen to be resident, but also asked to be furnished with not only the opinion of the leading foreigners in their district, but also with their own personal opinions upon all matters which might, in the course of their researches, come under their own observation, so far as related to the proposed legislation on Ireland. The result of these inquiries were embodied in the Blue Book which he had beside him, a work characterized by the greatest ability, evidencing much painful research, and, from the circumstance of the writers being gentlemen generally of aristocratic connections, could not be regarded by Gentlemen opposite as other than strictly impartial. The hon. Gentleman the Member for South Norfolk (Mr. C. S. Read) was the only Member who referred to it in the course of the debate; but that hon. Gentleman had confined his observations to the Report upon Belgium, and in doing so, whilst stating that the outrages in that country had been confined to a short period—in which he was in error, for they had existed from the time of the Emperor Charles V.—had omitted to mention that they were confined to one district—if he recollected aright, the Pays de Waes—and arose out of the nonpayment of money by the incoming to the outgoing tenant; but he had likewise omitted to say how different were the relations of landlord and tenant in Belgium from those in Ireland. In the former country there were existing a large number of peasant proprietors, who likewise had manufactures to fall back upon. It was idle for the hon. Gentleman to put himself forward as a tenant-farmer, and to contrast his condition with that of the impoverished Irish tenant—he, who was a Member of that House, who was quite independent of agriculture, and who, by education and social position, could, if he chose, turn to many other industries. Again, he asked, what was the difference between the tenure of a house or a shop and land? He had not read the able and exhaustive Report of Mr. Gastrell in the Blue Book, who answered his question, when he said—"Man might build a house, but could not create land." Again, the hon. Member for East Surrey (Mr. Brodrick) had asked, was there not competition for land in England? He (Sir Patrick O'Brien) was not prepared to dispute that position; but he would ask the hon. Member, was not the competition in the one case for a convenience, in the other for an absolute necessity? He was not going to discuss the question from what are called Irish ideas, nor from a review of the conditions, social and otherwise, in England or Ireland. He would venture to appeal to European opinion, as furnished by the Reports in the Blue Book, and he feared, that the opinion in Ireland, already adverse to the Bill, would be increased when those Reports would be — as they would be — read in Ireland. He would first shortly refer to France, a country pre-eminent in European civilization. No doubt it might be said that that was not a fair reference, as the state of affairs there had been brought about by a bloody revolution. Well, he was prepared to admit the force of that objection, and he would content himself by reading one passage of Mr. West's Report, in which, without referring to causes, he epitomized results. Mr. West said—

> "The small proprietor has reconstituted the economy of the nation, and more than doubled the produce of the soil."

In Wurtemberg, in Baden, and in most European countries, the Reports affirmed that the system of small proprietors had increased immensely the productiveness of the soil, had produced contentment; and the reply to the query as to the relations between landlord and tenant socially were nearly unanimously that they were on the best terms one with the other. In Portugal a system of tenure, known also elsewhere, was stated by Mr. Doria to most extensively prevail, designated by the Greek term emphyteusis, which conferred perpetuity of tenure at fixed rents. This system pervaded nearly all Northern Portugal and the Province of Alemtejo, and its provisions were supplemented by the energy of a man well known to all acquainted with foreign politics — the Marquis Pombal. The contrast of emphyteusis was said to arise whenever the owner of any real property transfers the *dominium utile* of such property to another person who binds himself to pay the owner a certain fixed rent, called "foro" or "canon," and in that case the rent is fixed and the tenant irremovable. He mentioned those matters to show that abroad what were called the rights of property were already more overridden than was ever attempted by Irish agitators. In this hurried and cursory review which he had taken of the contents of the Reports, he now came to Prussia—a country which all would admit was feudal of the feudal, and where the tenant was regarded as little more than a serf. What was effected in France by a revolution a disastrous battle did for Prussia. Jena emancipated the Prussian peasant. After that battle, in 1807, Stein promulgated an edict, supplemented in 1811 by Hardenberg, which changed the whole framework of Prussian land tenure. The landlord was given a third of the land where the possession was hereditary—one-half where it was not; but it was subsequently enacted that the tenant could acquire either the third or the half, as the case might be, by either paying a capital sum or by paying a yearly rent-charge, and the Government, to enable the occupier to carry out this provision, even instituted rentcharge banks to enable him to do so. Who will talk now of interference with the rights of property, when this thing has been done in absolute and feudal Prussia? But what has been the result? There reigns contentment throughout that kingdom, and that the peasant feels equal interest in its greatness with the king was well evidenced by the soldiery who conquered at Sadowa. Hon. Members had asked whether, in the event of this Bill being carried with reference to Ireland, a similar measure would not be proposed for England; but the fact was that the two countries stood upon a totally different footing with reference to this question, owing to the many commercial avocations open to the inhabitants of this country — none of which existed in Ireland. He had been informed that many of the manufactures that were at one time specialities of this country were being exercised on the Continent; and the time, therefore, might come when this country might find herself reduced to the same position in which Ireland now was, and then it might, indeed, be necessary to pass a law for England similar to that they now had under consideration for Ireland. He was free to confess that the measure they were then considering would have been esteemed as a boon some ten years ago; but he regretted to say it was not so then, and he warned hon. Gentlemen opposite, and noble Lords in "another place," of the danger of mutilating what in Ireland were considered its inadequate provisions. When the Bill was first introduced, he had written over to say that there was much good in the Bill; but the majority of his constituents were not prepared to accept it. For his own part, everything he had in the world was derived from land; but he desired that the tenant should obtain full security. He felt that hon. Members from Ireland who sat on the opposite Benches were equally interested with himself in having peace and contentment in Ireland. He appealed to them to be contented with receiving fair rents, punctually paid, and to waive mere fanciful considerations of territorial dominion in the interest of peace and tranquillity in Ireland.

MR. KAVANAGH said, he could not support the Amendment of the right hon. Member for Buckinghamshire (Mr. Disraeli), for he considered that having not only voted for the second reading of this Bill, but having openly accepted the principle that a deterrent penalty should be imposed upon capricious evictions, by giving a tenant a right with certain provisoes to claim compensation for disturbance, he could not now stultify himself by supporting an Amendment which directly negatived that principle. But he was bound to say that Her Majesty's Government had sorely tested his consistency. As the clause now stood unamended it was unjustly harsh, the scale of compensation unwarrantably high; but when he looked at the Amendments placed upon the Table by the Chief Secretary for Ireland, he found that he proposed to make it harsher still. The simple plea of protection to the tenant would seem to be abandoned, and that of hostility and injustice to the landlord openly avowed. If this was the sort of spirit in which the Government were going to deal with this Land Bill in Committee, he would, he thought, not only be warranted in supporting the Amendment now before them, but of using every means in his power directly, and indirectly, to defeat the measure. However, dim as it might seem, he would still cling to the hope that the Government wished to do justice between man and man; that they, and the great party opposite by whom they were supported, would still apply to the details of this measure the tests of equity and reason. He hoped the Prime Minister would acknowledge the justice of not extending the principle of compensation to tenants paying £100 a year rent. Tenants of holdings of that value were quite as capable of making their own bargains as English or Scotch tenants. The injustice was much increased by including the tenants of large grazing farms like those of Meath, where some men paid £5,000 a year rent. Although the pending division on this question involved his desertion of those ranks to which he was proud to belong, he could not go with them in supporting an

Amendment negativing a principle which he had already adopted.

Mr. MATTHEWS said, that the hon. and learned Member for Richmond (Sir Roundell Palmer) had described the clause under discussion as being illusory because it would enable a landlord to levy increased rents from his tenants. With that assertion he was unable to agree. Such might be the ultimate result; but for the present he believed that the clause would prevent the landlord from increasing his rent, because every tenancy from year to year was a bargain which could not be varied by one party alone, and no landlord would be able to raise his rent, however moderate, without putting an end to the tenancy, running the gauntlet of the 3rd clause, and paying such compensation as the Court might think fit to award. Under these circumstances, therefore, he could not regard the clause as being illusory in this respect. But he thought the clause delusive in another and a larger sense. He regarded the clause not as aimed at improvements at all—that was mere garniture to cloak its real object, which was to give security to the 526,000 and odd tenants-at-will out of 682,000 agricultural tenants holding less than thirty acres in Ireland. The great evil connected with the tenure of land in Ireland was the insecurity of that large number of holdings, and if the clause did not secure those tenants it was delusive. He could not persuade himself that the clause would be an effective protection to that large number of poor tenants-at-will who had made no improvements. It involved a contradiction in terms. The Bill did not do away with the right to evict, neither did it create any right of occupation; but, nevertheless, it said the tenant should be entitled to such compensation from his landlord for the loss he sustained by quitting his holding as the Court deemed just. If the clause were administered, he would not say by a lawyer, but by a logical person, when the tenant came before him he would ask him what loss he had sustained by quitting his holding, and would say to him—"You have no right of occupation given you by the Bill; how am I to award you any money because you are unable to keep that which you have no right to keep?" Compensation or damages implied the loss of the money value of some right of which a man had been deprived; and, in common sense and logic, there could be no compensation when a man had no right taken from him. The only compensation that could and ought to be given to the tenant would be some such compensation as that indicated by the Amendment of the right hon. Member for Buckinghamshire for the only loss that could be legitimately proved—namely, loss of the profits of a course of husbandry in which he had engaged with his landlord's knowledge, and to which he had an equitable, if not a legal right; or the expenses of removing from his holding. But while if the clause were properly administered, the tenant would get nothing more than this, there was, on the other hand, the chance of its being loosely administered, and of the tribunal entering into some such considerations as those laid down by the Chancellor of the Exchequer, to which he had listened with great alarm. In that event the clause would undoubtedly be unjust in its application. The Chancellor of the Exchequer told them there were moral obligations attached to the exercise of the legal right of eviction and of giving notice to quit. Unquestionably that was true. A landlord might exercise his right so harshly and inequitably, so repugnantly to the common feeling of the country in which he lived, that most men disapproved his conduct, and by that clause they were going to punish him for that disregard of a moral obligation. It was to be hoped that Judges of extraordinary wisdom and acuteness would be appointed to estimate such vague and indefinite considerations as those, otherwise their decisions must inevitably be attended with the greatest injustice, uncertainty, and caprice. The tenant would never know what amount of compensation he might reckon upon recovering. It used to be said that the conscience of the Chancellor varied like the length of the Chancellor's foot. In like manner the sums given to tenants for compensation, would vary upon no intelligible principle, according to the temper of the Judge. But the right hon. Gentleman at the head of the Government, in his speech on the second reading of the Bill, suggested another kind of loss for which the tenant might claim on quitting his holding, that he might say that his rent had been low;

to which the landlord would be entitled to answer that, under the circumstances, it was reasonable that the tenant should pay a fair and not a low rent. How was that to be reconciled with the proposition of the Chancellor of the Exchequer that a fair rent was a matter to be shut out from the consideration of the Court? The moment they departed from the safe rule that a man was to get compensation or damages only for the deprivation of a right, there was no limit at which they could stop; there was no reason why the tenant should not make a claim for the maintenance of himself and family, or for interest upon his capital till he got a fresh holding, however long that might happen to be. If they once gave to his loss any meaning beyond the money value of some right of which the tenant was deprived, they would be thrown upon a sea of uncertainty in which the tenant might claim to be paid for what was not his, and the landlord might be called on to pay for that which was his own. Another objection to the clause was that it was not what the Irish tenants had ever asked for. The attempt to give the tenant security by the machinery of a compensation clause was a compromise which had never been heartily accepted by the Irish people or their advocates. It was invented in 1851 to ensure the alliance of Mr. Sharman Crawford and the Irish Tenant League. From the first that compromise was repudiated by those who spoke the wishes of the Irish tenants, and from the moment they adopted the notion of compensation they ceased to get farmers to attend tenant-right meetings. The tenants did not want to be dispossessed first and then allowed to sue for damages of an uncertain amount. They did not want a capricious and illogical penalty for capricious evictions. They wanted to have it simply declared that they should not be evicted except for non-payment of rent, waste, subdivision, and matters of that kind, and the organs of the tenant party repudiated the proposals contained in that Bill. He believed Irish landlords were willing to go great lengths in giving security to the tenant—to make large concessions in order to meet demands satisfactory to the tenants themselves, and consistent with justice and propriety; but this clause was not what the tenants wanted, and he believed it would not be satisfactory to either party.

Mr. W. FOWLER said, he agreed with those who thought the Committee had now got to the most important part of the whole Bill; but he did not concur with the hon. and learned Member for Dungarvan (Mr. Matthews) in thinking that this 3rd clause was an illusory provision. He held that hon. Members would be doing the most serious injury to Ireland if they voted against it. He believed that exceptional legislation was required in respect of the holding of land in Ireland. In former times, the trade of that country had been destroyed by our Legislature, and the consequence had been that a very much larger number of the people of that country were thrown upon the land for their support than would otherwise have been obliged to get their subsistence in that way. At the present time there were 500,000 holdings of an annual value under £15. He was, therefore, in favour of the clause as the Government proposed to frame it, for the purpose of giving security of tenure; but he thought its application ought to be limited to small holdings under £50 a year. The Government must either have adopted the plan laid down in this clause, or the alternative of transferring the property in the soil from the landlords to the tenants. They had acted rightly in giving the tenant compensation if he was wrongly and capriciously evicted. He therefore thought the measure was a statesmanlike one; and, considering the clause in all its bearings, he should give his support to the Government.

Mr. BRUEN said, the Committee had to choose whether they would accept the clause without any amendment, or adopt the Amendment of the Chief Secretary for Ireland, or the Amendment of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). He said, unhesitatingly, that he preferred the last of those three courses in preference to either of the two other alternatives. He believed every Irish Member would agree with him that it was desirable to give the Irish tenants security of tenure. That security he was most anxious to obtain for them. It was his pride, and it ever had been his object, to have his land occupied by successive generations of tenants—that the son should succeed his father in the occupation of the same farm—the same home. He wanted to see throughout Ireland the same custom in that respect as existed in this country; but he did not think that security for the Irish tenant could be secured by such a penal enactment as was proposed by this clause. He believed it could be accomplished only by mutual confidence and good-will and good offices mutually performed between landlord and tenant. Of course, it might be proposed to give the tenants absolute possession of the soil by Act of Parliament; but to such a measure as that the House of Commons never would give its assent, and short of that, no legislative measure of tenant-right would be effective in giving security of tenure to the tenants. It was, therefore, he said, that to mutual confidence and good-will between landlord and tenant must they look for the establishment of that security which he hoped all landlords would be glad to see the Irish tenants enjoy.

MR. MAGUIRE said, he regarded this as the most important question they would have to discuss during the progress of this Bill through Committee, and therefore, as an Irish representative, anxious to have this measure carried, he was most desirous that nothing should be done to curtail the provisions which had been submitted to the Parliament and the country. Let the Committee consider its position at this moment. On the last night they had done everything in their power to satisfy the North of Ireland, and unhappily an idea prevailed in the other parts of the country that the Government desired to do something for the North which they would not do for the South of Ireland. If, therefore, the Amendment of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) were carried, the belief in the minds of the people of the other three Provinces that Parliament was about to legislate unfavourably for them and favourably for Ulster, would receive a thorough confirmation. For the farmers of the North they had not only legalized tenant-right, but had also given them an option either of claiming that right or of coming under the protective provisions of the Bill. He was one of the first who had expressed his intention of giving a cordial support to the hon. Member for Belfast (Mr. W. Johnston)—than whom no one was more competent to speak with authority on behalf of the tenant-farmers of the North. But what was the position of the great mass of the farmers of the South? He would not exaggerate, but it was one he would not say of serfdom but of simple dependence on the will, the power, the caprice of the proprietors of the soil. The great object to be kept in view was to give these men a sense of security. The hon. Member for South Norfolk (Mr. C. S. Read) had said that if the Amendment of the right hon. Gentleman did not supersede the provision proposed by the Government, the tenants in question would have a lazy sense of security. No; but they would have an active sense of security, which would develop their faculties and change the whole face of the country. It was because he believed that would be the result that he supported the clause of the Government; but if the right hon. Gentleman the Leader of the Opposition, acting on the prejudices—he did not mean it in an offensive sense—of his followers, and also upon the narrow feeling of some hon. Gentlemen representing Scotland should succeed in cutting out this provision the effect would be most disastrous. He wished to say a word on this subject to hon. Members from Scotland, with whom he was proud on all questions of general policy to act. Some of these hon. Gentlemen, judging from the cheers they indulged in several times while the right hon. Gentleman was speaking, were likely to support him because the Government proposed a remedy for a state of things existing in Ireland a parallel to which did not exist in Scotland or England. But he wished to warn his hon. Friends against the impolicy of confounding two states of things diametrically opposed, and of attempting to legislate upon a narrow view—he said it respectfully—derived from their Scotch notions. But the great body of the Irish Members and the Government, acting under a great responsibility, told them that these ideas could not fairly be applied to Ireland. Let the Committee consider that this Bill was not so popular in Ireland as he verily believed it ought to be. He did not himself approve every clause of the Bill; but the great body of it was good, and many of its provisions were admirable. On very many large properties in Ireland, and on some small ones, the system carried out was one of protection which gave perfect security to the tenant; and it was because the same system was not adopted by all Irish proprietors, and a large number of tenants were placed in a precarious position, that the Government had introduced this measure. What would be the consequences if this Amendment was carried? The Bill would be virtually destroyed, and the responsibility would rest with the House of Commons. A belief would be created in every man's heart in Ireland that the House of Commons would not or could not legislate fairly for Ireland, and a more dangerous conviction could not enter into the minds of the people. There was a hope dawning in Ireland. Let them not shake that hope for any party purpose. If they were not prepared to legislate in a broad and generous spirit let them stop the Bill at once, let them wait for another winter and for the commencement of another Session, and see what would be the result of long delay and bitter disappointment. To compare the poor people paying their £30 or £40 a year rent, whom this Bill was intended to protect, with great Norfolk farmers or with shopkeepers carrying on a great trade was an outrage upon common sense. The shopkeeper would not embark his capital unless he had a lease. [" No, no! "] A Cork or Dublin shopkeeper would not, and if a Londoner would he was a greater fool than he believed him to be. He held this to be the best portion of the Bill; it was protective of the landlord and protective of the tenant, because the tribunal would be bound to take everything into consideration, and to do justice between man and man. If the Bill should be carried uncurtailed, his solemn belief was that it would do great good to Ireland; but if cut down and crippled, in God's name let the Government at once abandon it, for if sent to Ireland it would prove a curse, not a blessing.

Mr. GOLDNEY said, that as the hon. Gentleman who had preceded him had said that the Committee ought to accept the Bill unaltered, he (Mr. Goldney) must observe that what hon. Members on that (the Opposition) side of the House complained of was that it had been materially altered since it had been introduced, and that it now proposed to initiate, for the first time, in this country the doctrine that simple occupation was to be regarded as property. The granting of leases would, he believed, be a great benefit to the Irish tenant; but if the Bill were to pass in its present shape it would operate as a perpetual bar to the granting of leases.

Mr. GLADSTONE: Sir, I will endeavour to go through as succinctly as I can the various points of importance which have been raised in the course of this discussion. I would, in the first place, however, clear the ground, and let it be plainly understood, at least, so far as depends upon me, what is the question upon which we are about to-night to vote; because a very considerable portion of the debate, and, above all a very large portion of the important speech of my hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) turned upon matters wholly extraneous to the point now at issue, although, in saying so, I admit that there is such an interlacing of provisions on this subject as to render it no matter of surprise that other questions besides that directly at issue should be brought under our view. We are discussing on this occasion the basis of computation of the compensation which is to be made to the tenant in the event of causeless or arbitrary eviction by the landlord. That I believe to be the strict and absolute definition of the whole matter at issue to-night. We are not now discussing the scale of the compensation to be given. We may raise it to ten years' rental, as has been suggested by an hon. Friend of mine on this side of the House (Mr. Synan), or, following the advice of a right hon. Gentleman opposite (Mr. Disraeli) reduce it to five or any other figure, in perfect consistency with the view which the Government will press upon the Committee to-night. I will only say, with respect to the scale, that the extreme complication of the subjects with which I had to deal in introducing the Bill caused me to dwell much more briefly than perhaps I ought to have done on many points in the statement which I then made. And it is undoubtedly my fault that a certain amount of misapprehension has prevailed with regard to the ground on which the claim to compensation would in our view be dealt with by the Judges who are to be constituted by this Bill. I never intended to say that upon the landlord alone would be imposed the burden of proof. I did mean to state this, that, in my opinion, Parliament, by the figures which it may insert in the scale, will convey to the Judges its own general idea of the sort of loss which, under the present circumstances of Ireland, a causeless eviction may inflict. But certainly it ought to be incumbent on the tenant—and if the Bill is obscure on this point it ought to be made clear—to show that his case comes within the class of cases contemplated by Parliament, and that his eviction was causeless. To discuss the scale of compensation would, however, only tend to complicate the issue with which we now have to deal. My hon. and learned Friend the Member for Richmond said much of the leasing powers which were originally in the Bill—which, in fact, are now in the Bill—but which we propose to dispense with for reasons which I shall state fully when we come to that particular clause. I think I shall be able to show my hon. and learned Friend that he has very greatly overrated the importance of the 16th clause, but I shall not dwell on that point now. In dealing with this Bill, and in inquiring what Amendments ought to be introduced into it, we have not asked ourselves in the first instance whether this or that Amendment might chance to tell in favour of the landlord or of the tenant, but whether it was on the whole calculated to improve the fabric of the measure. When my hon. Friend the Chief Secretary for Ireland, for example, gave notice that we proposed to strike out that provision which imposes the county cess in the case of holdings under £4 value on the landlord, he did so not because the tendency of the change was directly in the interest of the landlord. In the same way it was thought by us that the operation of this leasing power would operate offensively in a far higher degree than it would confer a benefit, in the case of those for whose advantage it was especially intended; and we have, in consequence, been induced to make a different proposal to the House. That proposal, as has been stated to the Committee by my right hon. Friend the Chancellor of the Exchequer, is one which appears to us entirely unexceptionable. It says, that if it be desired to get rid of damages for eviction, the landlord may give his tenant the power of disposing of his interest; and, if the Court is satisfied that that offer meets the circumstances of the case, it shall stand in lieu of damages for eviction. This, however, is not the moment at which such a matter ought to be considered. Another point which is not strictly relevant to the present discussion, but which has been referred to by more than one speaker, is the question of existing leases, which have been carefully excluded so far as relates to the claim for damages for eviction. Lastly, with respect to free contracts, let it not be supposed by my hon. and learned Friend the Member for Richmond, or any other hon. Gentleman, that we have not felt the difficulty of that question as much as anyone else. There is nothing in our opinions or general action which should tend to make us dead to the advantages of free contract wherever it can be had. But it is a hard, invincible conviction, which has been forced upon us, that the simple admission of free contract would be the destruction of this portion of the Bill, that has led us to insert this provision. We are, of course, desirous of limiting it within the narrowest bounds. The precise figure at which free contract should come in to exempt a party from the compulsory provisions of the clause cannot be treated as a question of principle in the same way as the main provision of the clause itself. I do not say that you can make a fundamental alteration as to the line to be drawn; but the precise figure which should be fixed upon is a matter on which we are quite open to whatever conviction an enlarged and impartial discussion may bring home to our minds. There is, I may add, another provison—a very simple one—which we intend to lay before the Committee, which I will now read to them, and which, I think, is at once more important—though not immediately operative—and more innocent, than any other mode in which we can approach the subject of free contract so as to show our preference for it. In dealing with this Bill, we consider very much that which arises from our conception of it, and in our view it is a measure which is wholly and absolutely exceptional. One of our grounds for objecting to the Motion is, that it destroys this exceptional character of the Bill, and prepares the ground straight ahead for its introduction into England and Scotland. Now, we look upon it as an exceptional Irish measure. Nay, more, we hope the time may come when the provisions of this Bill may no longer be necessary in Ireland. Then, perhaps, you will say—"Why not make the Bill a temporary one?" ["Hear!"] Well, we have endeavoured to give to that subject an impartial consideration. There is a very great difficulty in making the Bill a temporary Bill, upon a ground which every Member conversant with its provisions will at once appreciate—namely, the longevity (if I may use the word) of many of the interests which will be created under it. What we believe is, that if the time ever comes—and I trust it may come—when it will be possible and desirable for Ireland to work its way out of many of the peculiarities which we are compelled to ask Parliament to enact in its present circumstances, the best way of doing that will be by the re-introduction of the principle of free contract; because, whatever complications may arise from a system which we look upon as artificial, freedom of contract between the parties will be the simplest, the best, and even the quickest way of disposing of them, when once you have restored those parties to a position in which they can meet upon equal terms. What we should propose is this—undoubtedly not that this provision as to free contract shall last for a certain number of years and then terminate, because that would be a very hasty and precipitate mode of proceeding. We cannot venture to say that twenty, or thirty, or any given number of years, will be sufficient; but there is a method which has been adopted by Parliament, I believe, in several instances, and certainly in one great instance, that of the Bank Charter Act. There the mode adopted by Parliament to mark that the engagement is terminable and rests upon conventional grounds is this—It is appointed to endure for a certain number of years, and thereafter until Parliament shall otherwise determine. By words of that kind Parliament marks its opinion that the principle of the provision made is not of an immutable and permanent character, and yet, at the same time, it does not prematurely venture to anticipate a given moment which experience does not warrant our endeavouring at this time to fix, and at which we can now say it will be possible for Parliament to dispense with such legislation. The words we propose to adopt are these — "This provision — namely, a provision which restrains freedom of contract—

> "Shall remain in force for twenty years, from the first day of January, one thousand eight hundred and seventy-one, and thereafter until Parliament shall otherwise determine."

I now come to the Motion of the right hon. Gentleman opposite, and my first observation respecting it is that one-half of his speech was retrospective, and was devoted to setting out the limitations which the Government had made in the Bill. It was given to be understood, if, indeed, it was not expressly stated, that these limitations had induced the right hon. Gentleman to depart reluctantly from the friendly attitude he had originally assumed, and appear at length as an opponent of important provisions in the Bill. Now, it has been shown how little the right hon. Gentleman deserves the reproach he has bestowed upon himself of having been too credulous as to the assurances of the Government; because, when he delivered his speech to-night, he entirely forgot the definition he gave of his support on the second reading, when he carefully limited it to the title of the Bill, and the assertion of the proposition that it was expedient to deal with the law relating to landlord and tenant in Ireland. Be that as it may, his Motion is not directed to any alteration made in the Bill by the Government, but is aimed at the Bill as it stood. If the right hon. Gentleman means to speak again, he will not contradict me when I say that his Motion is aimed at the Bill which he said he was prepared to support. That is an important fact to be remembered. ["No!"] Why then that half-hour upon the transformation of the Bill by the Government? Surely the right hon. Gentleman might have waited for the transformation before addressing such an argument to the Committee. The Motion is, I repeat, really aimed at the Bill as it stood, and at one of the main pillars of the Bill. About that let there be no mistake. One of the grand provisions of the Bill was the confirmation of Irish customs. Another grand provision was the assertion of the principle that improvements made by the tenant were the property of the tenant. And a third principle of the Bill, which was by far the most prominent in the lengthened statement it was my duty to inflict upon the House, was that damages for evictions were to be paid to the tenant. It is against that principle outright that the right hon. Gentleman has moved his Amendment. He has not asked the question where we give too much or too little damages; it is against the whole principle of damages for eviction that the right hon. Gentleman has directed his Amendment. What is a Bill for the settlement of the Irish land question divested of provisions for the payment of damages on eviction? We have heard the right hon. Gentleman's idea of the Bill; and I must say that those who, sitting on this side of the House, have listened to some of the speeches made opposite—in which I do not include the speech of the hon. Member for Carlow (Mr. Kavanagh), who, though he severely censured the Government, yet has manfully stood to the spirit of the declaration he made originally—and whoever compares these speeches, directed against all recognition of any special or peculiar claim on the part of the Irish tenant, with some of the speeches we have heard from below the Gangway, which are a faint, and only a faint, reflex of deep and widespread popular conviction in Ireland, will have some sympathy for the position of the Government, and some sense of the sort of task they have undertaken in the endeavour to bring together views so discordant as the impressions produced on the one side in the Irish mind by our own bad legislation and our own neglect of duty; and, on the other side, the pure ideas of property as they are conceived in the minds of men of property, who make not the least endeavour to learn and appreciate the point of view from which these subjects are regarded by the rest of the kingdom? What is the principle the right hon. Gentleman sets up against us? It is the principle that we are to give compensation for improvements. That, he says, is all that justice in the present circumstances of Ireland can require. Bad as the principle of the right hon. Gentleman is, he does not even give full effect to it. It is true he makes a nominal addition as to the damage accruing from the interruption of a due course of husbandry. What is the value of that? The Chancellor of the Exchequer has shown that, with respect to the great bulk of the smaller tenants, there is nothing that can be called a due course of husbandry; the nature of their holdings does not admit of it. What is the nature of the claim—for the right hon. Gentleman did not in the least explain it—arising to the tenant out of the interruption of a due course of husbandry? In the small holdings there is nothing that can be called so. In the larger holdings what does it mean? The right hon. Gentleman argued as though the rotation of crops was uniform over a large farm, that one year it would be all in grass, another year all in oats, and another year all in turnips. [" Oh!"] Really hon. Gentlemen only show how needful it is that their attention should be directed to the subject. Unless this is so, what is the claim for compensation on the ground of interruption? But the fact is, that the farm is commonly divided in a due course of husbandry, and there can be, therefore, no special claim on the ground of interruption. And what is the value of this compensation? Take a farm of £50 rental. The right hon. Gentleman proposes that two years' rent shall be all the compensation required, including the due course of husbandry. Then I come to this further fallacy in his speech and his proposal. Having cut down the principle of compensation to simple compensation for improvements, he then goes on to abandon his own principle, which, he says, justice requires us to adopt, and he subjects the application of it to the law of a maximum. Now, if the Irish tenant is to be compensated for his improvement, why is his compensation put under the limit of a scale, and why is a man paying £150 rent, who has made judicious improvements at a cost of £500, to receive as compensation only one year's rent? In my opinion his proposition is inconsistent with itself, and is inconsistent with his own speech. But if it were consistent, do not let us disguise the fact that our contention is entirely opposed to it; and I do hope that every Gentleman who sits in this House will embrace clearly in his mind the nature of the opposition. The right hon. Gentleman, favourable as were his first declarations upon the introduction of the Bill, and even to some extent upon the second reading, as long as he dwelt on generalities, now undoubtedly seeks to break down one of the three great pillars of the Bill, without which it must be a miserable ruin. We contend that the Irish occupier, when causelessly evicted by his landlord, is entitled to requital for his loss. Gentlemen opposite cannot understand what the loss of the occupier is. The loss of the Irish tenant is the loss of livelihood. If you want an explanation of the evil inflicted on the Irish tenant—if you want to know the hardship of the Irish tenant's case when evicted causelessly, I refer you to the explanation I heard from the lips of the hon. Gentleman the junior Member for Carlow County (Mr. Kavanagh), given in his first speech upon this Bill, when he said—"The choice of the evicted tenant is America or the poorhouse." These are the circumstances, dreadfully and emphatically described, under which we contend that the causeless eviction of the Irish tenant usually means ruin, and that in respect of that ruin he ought to receive damages. The proposition which we assert, and the proposition the right hon. Gentleman denies, is that of damages entirely apart from the claim we propose to recognize of a property in the improvements which the tenant has made. The hon. and learned Member for Richmond admitted that there might be a State necessity, arising out of the peculiar circumstances of Ireland for such an enactment as this. That necessity arises out of the fact, which may not be true as a universal proposition, but which is generally and too fatally true, that to the man so ejected there is no alternative except one of the two named by the hon. Member for Carlow. Therefore, a State necessity arises out of that consideration—a State necessity which now exhibits itself before you. In fact, within the last few weeks you have been obliged to confess that Ireland, after all the centuries of our legislation, is at this moment, to the scandal of the civilized world and to the dishonour of the fair name and fame of England, go where you will, ungovernable by the ordinary law. [An hon. MEMBER: Whose fault is it?] Does the hon. Gentleman who asks that question think that the mischief has arisen within the last twelve months. My revenge upon him is simply to recommend to him a prolonged course of study of Irish history, of which he evidently stands in need. But it is not alone a case of legislation founded upon State necessity. Our conviction is that causeless eviction ought to be laden with a charge which will operate as a bar and as a powerful deterrent against a landlord before he resorts to it, and before he uses the threat of it, for it is by the threat and by the anticipation of eviction that the greater part of the mischief is done. In order to ascertain the justice of that it is absolutely necessary to go back; and the hon. Member for East Surrey (Mr. Buxton) who spoke so ably to-night, unduly depreciated his own speech when he said he was producing matter of antiquarian interest. You must understand what kind of tenure the Irish tenant inherited in order to know what ideas he received from his fathers. Do you think that those ideas he has received from his ancestors can be uprooted in a moment? Is that a Conservative view? On the contrary, you would praise him for cherishing, even in weakness, the traditions of his country. What was the Irish tenure? It was a tenure of perpetuity; the occupier of the land was irremovable from the land by ancient Irish custom. What came in lieu of this Irish custom? Nominally, there came the feudal system. How does Judge Longfield speak of it? He says—

> "According to the old feudal law the lordship could not be transferred without the consent of the tenant, lest an enemy might be made his feudal superior; but in a great part of Ireland a sudden and violent transfer of the lordship was made to persons whom the tenants knew only as their victorious enemies."

Is it not idle to compare the position and ideas of that country with those of England and Scotland, where, after a long course of good government for many peaceful generations, reposing thankfully under the shadow of the laws and institutions of the country, men are satisfied that the laws that govern them are adapted to all their recollections, all their ideas and wants? But the case of Ireland does not rest upon what lies in remote antiquity. On a former occasion I mentioned what was said by Mr. O'Connell, and the passage is a remarkable one. He says those who reason that to legislate against the landlord would be to deprive him of his property

> "Forget the Acts of Parliament passed in favour of the landlord and against the tenant. Let there be an Act of Parliament on the other side."

Mr. O'Connell speaks of Acts which

had passed within sixty or eighty years on the other side, and he says—

> "The condition of the tenants will be greatly benefited by depriving the landlord of much of the legal machinery by which he is able to extort an exorbitant rent from the occupier. All that would be necessary would be to repeal a few Acts of Parliament, and to restore the ancient law with respect to the relations of landlord and tenant."

Perhaps you will say that this is Mr. O'Connell, and he was a patriot and a demagogue; you may mistrust his authority; but you will pay more attention to that of Judge Longfield, who in a brief space sets out the successive Acts by which Parliament has legislated against the occupiers of land, and has created that instability of tenure which you are now asked to remove. It is not the result simply of the natural circumstances of Ireland; it is the result in the main of statutory enactments which, as it were, behind the back of the Irish occupier Parliament has adopted, and by means of which it has fundamentally altered his condition. Judge Longfield says that the laws, unduly favourable to the landlord, were rigidly maintained as if they had been unalterable laws of nature, and were at once altered if they appeared to afford a temporary protection to the tenant. In the case of a disputed action between a landlord and a tenant, the former did not wait for the decision of a court of justice, but sent the bailiff and seized the goods of the tenant. The landlord had to give no security in case his claim should be false; but the tenant, although he saw his goods distrained by simple process, could not act without a troublesome replevin, and only then by giving security for the sum demanded; but to discourage him in testing the landlord's rights he was compelled to pay double costs if he failed. Judge Longfield goes on to detail the rest of the Acts by which Parliament has not only modified but has essentially changed, with respect to evictions, the position of the Irish tenant. The ancient grievance of Ireland was not eviction. If you go back 100 or 150 years you do not find it was eviction which was the great grievance of Ireland. Oppression existed in another form. According to the best authorities, the Whiteboy disturbances grew out of the suppression of the commonages, which the people had enjoyed. The commons were enclosed for the benefit of the landlords, in consequence of the great demand for stock. On a former occasion I ventured to point out that an Act relating to ejectment in 1815 or 1816 made a fundamental change in the law. That Act contained in the Preamble a recital to the effect that the law was costly and impracticable, and that the process by which the landlord could put out a tenant was practically of little or no use, and, consequently, Parliament altered the system. Therefore, you have radically altered the condition of the Irish occupier, and have created that instability of tenure which is now proved to be an evil worse than any that have previously disfigured the condition of Ireland; and what we are now proposing to do is the redressing of an inequality —I would say the partial redressing of an inequality, but the best the circumstances permit of. That is a true description of the process to which we invite the favour of Parliament. It is said— "Here is an interference with the principle of property;" but that is an assertion of very wide scope. When we framed the Bill we endeavoured to avoid as far as possible giving any ground for an appeal to those principles which tend to rouse the feelings of classes. I hope it will be admitted on all sides that we have not been indistinct in the declaration of our intention to offer a firm resistance to all attempts to introduce principles into the Bill which would go to make the power of the landlord over his property, or the receipts he derived from it, subject to the indefinite claims of a separate and rival interest. Now, with respect to interference with property, there are two kinds of such interference. You may interfere so as to weaken the foundations of property, and you may interfere so as to strengthen them. One of our complaints in reference to the present state of Ireland is that the foundations of property are miserably weakened—that is to say, that as far as social order is maintained in a great part of Ireland it is maintained by force and fear, and not by love and affection. So long as that state of things prevails, there can be no satisfaction for the possessors of property, and even if they were called to make a sacrifice, it would be worth while to make it for the purpose of redressing that paramount and monster evil. No one who recollects the condition of Ireland with respect to the military and police force, will hesitate to admit that statement. Is our interference with property more marked than that effected by the Irish Poor Law? When that law was enacted, did we not impose for the first time on a particular description of property a certain burden, to which from time immemorial it had never been subject? And yet that was considered a perfectly fair and just measure, because it was deemed to be to the interest of property that the burden should be imposed in order that the social and political condition of the country might be improved. We might be content to shelter ourselves behind that great and authoritative example. But the difference here is this—that the years' purchase—which you are so fond of calling seven, though that is the highest point which in any case it can attain—need not he a deduction from the interest of the landlord. If you say that twenty-one years' purchase represents the value of landed property in Ireland, I ask why, instead of twenty-one years' purchase, it is not thirty or thirty-three years' purchase? The reason is to be found in the insecurity arising from the state of the country. Why should not Ireland be as well conditioned as Scotland? It is more populous. Why should not its agriculture be as good, though conducted in a method of its own; and why should not capital be applied with the same confidence to the cultivation of the land? We, who think that a reasonable Bill on the subject of the Irish land laws may attain its object, are justified in hoping and expecting, if we meet the reasonable demands of the Irish people, that their aspirations will fall down to the level and standard of justice, and that the establishment of good laws will produce that sense of security on the part of tenants and that disposition to invest capital in land which will make the land in Ireland not merely worth twenty or twenty-five years' purchase, but will raise it altogether to, or very nearly to, the value of land in England or Scotland. I need not say much more; but this I will say, and it is my last charge against the Amendment of the right hon. Gentleman. No one can have observed these debates in Committee without being struck with the immense proportion in which the House has been addressed by English or Scotch Members. It is remarkable that though we have on the opposite Benches many hon. Gentlemen connected with Ireland—several with Ulster and some with other parts of Ireland—from very few of them has proceeded opposition to this Bill. I think, when I consider the observations of the hon. Member for Belfast (Mr. W. Johnston), and in particular of the hon. Member for Carlow (Mr. Kavanagh), we have had, perhaps, more of support than opposition from the Irish Members sitting opposite. It is owing to two causes that we observe this phenomenon. The hon. Member for Cork (Mr. Maguire) was right in saying that there is too great a disposition to apply the ideas of our own circle to other circles beyond it; and English and Scotch Members, knowing the principles which prevail healthily and happily in Great Britain, too rapidly assume that they ought to receive equal and immediate application in Ireland. But, besides this, there is the apprehension that the provisions of this Bill may come to be applied in England and Scotland. Now, we have studiously drawn the Bill with a view to the opposite effect. We have endeavoured to leave ample scope for the introduction of Scotch and English usages in Ireland; but whenever we could strike on Irish peculiarities we have made them prominent, so as to make it not easy but difficult to introduce the Bill into England and Scotland, the circumstances of which do not require it. When we dealt with Ireland, we selected first that which was Irish, and which we knew not to be English. We began by legislating as largely as we could upon the Irish customs. We legalized the Ulster customs, and when we had to deal with the rest of Ireland, we sanctioned, as the basis of our legislation, a state of relations between occupiers and landlords wholly foreign to their condition in this country. We have founded ourselves on conditions specifically Irish in those parts of the Bill. And so, when we came to deal with improvements, we have proceeded on principles which are different, but not wholly different, from those prevalent in England. In this country the improvements on an estate, in the absence of contract, become the property of the landlord, though the opposite principle would seem in the abstract to be right. However, when we examine the circumstances of England and Scotland, and find that these works of improvements are generally provided by the owner, and not by the occupier, the theoretical paradox wholly disappears, or becomes entirely insignificant. Therefore, as regards our Improvements Clause, we find that in principle it is substantially just, and that if introduced into this country, it could do no great mischief. If anyone had taxed his brain to conceive a proposition intended to prepare the way for the introduction of this legislation into England and Scotland, I can conceive no plan more fitted for the purpose than the proposition of the right hon. Gentleman opposite. Take the case of the "interruption of the due course of husbandry." Such a provision has but a limited application in Ireland, on account of the smallness of the holdings; but in England and Scotland it would have a large application. I hold that to be an unfortunate incident in the form of the right hon. Gentleman's Amendment. I will not, however, stand on that; but I say I have tried to separate from the consideration of the point now before the Committee all the circumstances connected with the scale, with the freedom of contract, and the leasing powers. I have intimated to the Committee how anxious we shall be to adjust the provisions of the Bill, and to adapt them to the peculiar circumstances they are intended to meet; but setting these matters now aside, and regarding the Amendment of the right hon. Gentleman, I maintain that it is an undisguised attempt to overthrow one of the main principles of the Bill as originally introduced. Nothing could be more shadowy than the ideas of the right hon. Gentleman with respect to land legislation, when he said on a former occasion that all we had to do was to give power to the courts, and to establish freedom of contract, but would not say, in answer to my question, what was to be done if freedom of contract was used to disclaim the courts. Still, I think, the right hon. Gentleman will perceive that, according to our point of view, and in conformity with every declaration we have made, it is impossible for us to treat as other than a blow aimed at the heart and life of the Bill his proposal, which, without discussing the quantity, the mode, or degree, calls on the House to put an absolute negative on the principle that the Irish tenant, when causelessly evicted, ought to receive compensation for his loss.

Mr. DISRAELI: Mr. Dodson—If the Committee will allow me to trespass on their attention for a few minutes, I should like, before we divide, to call the attention of the Committee to the real question before them. For this purpose I shall have to throw aside some ingenious arguments and some charming declamation to which we have listened. The right hon. Gentleman has accused me of some Parliamentary dissimulation on this occasion, and has intimated that I, after holding out fair promises of giving a candid consideration and a general cordial support to this measure, have taken the earliest opportunity of striking at the very principle of the Bill. But the Chancellor of the Exchequer, in complete inconsistency with that view, said that my Amendments were not Amendments to the Amendment of the Chief Secretary for Ireland, but that they had been on the Paper for a long time. Why, that is my case. Among other Amendments, I put on the Paper one to this clause. It was one only to an inferior part of the clause as it was then drawn. And although it has turned out in the odd chapter of Parliamentary accidents that we have a very full discussion upon what has become now an important issue, my vindication as to my general intention in regard to the Bill rests on the fact of the Amendment I am going to move to-night coming, according to the arrangement of the Paper, as an Amendment to a secondary part of the clause in the Bill of the Government. At the beginning of the evening I alluded, and I will now again refer in one instance, to the system of changes made by the Government, and which have brought us to the peculiar position in which we now find ourselves—changes in regard to the mode in which the Government dealt with Ulster usages—changes in regard to the most important provisions, the importance of which has been acknowledged by the high authority of the hon. and learned Member for Richmond (Sir Roundell Palmer) to-night, with regard to the power of a landlord granting a lease to a tenant which should arrest his claim for any of these invasions of the proprietary rights which have hitherto been unchallenged. And then I called the attention of the House to what every Member must be aware of—the complete re-construction of this 3rd clause; so that the second portion of the proviso to which I had offered my humble Amendment had become the prime and sole contents of the clause, and all the arrangements, all the computations which had been of course calculated from the aggregate of considerations to induce the Committee to arrive at the result recommended were all to apply to what now appears as the secondary consideration of the proviso. I thought then there was a very strong case to put before the Committee to show that when they had been really in Committee for some time, and had passed only one clause, such vast changes had occurred in this important matter; but if I required any vindication for the opinion I gave at the commencement of the evening—if I required any vindication for the argument I offered and the inference I wished the Committee to draw from it—the debate of to-night and the admissions of the First Minister and one of his chief Colleagues afford that complete and triumphant vindication. What does the right hon. Gentleman the Chancellor of the Exchequer say about this lease, the power of offering which was indeed accepted by the majority of the House as a compensation for the deprivation and diminution of the landlord's rights? What did he say about the lease, the relinquishment of which filled the hon. and learned Member for Richmond with apprehension? He says—"Upon that subject we have an important provision to make." But where is it? Not on the Paper; not on the Table. No notice has been given of it by the Chancellor of the Exchequer, and yet the business is so exigent that we are to have Morning Sittings to pass a measure when some of the most important propositions are not even in form before the House. But, Sir, astonished as I was by the confession of the right hon. Gentleman the Chancellor of the Exchequer—which I attributed to, I will not say the imprudence, but to the awkwardness which prevails sometimes at the commencement of a debate; imprudence is rather the characteristic of a later period in the evening—what is the admission of the right hon. Gentleman with regard to leases compared with the portentous confession just made by the Prime Minister? A new Bill! I think this is a new Bill, indeed, when I am told that it is to be framed on the model of the Bank Charter Bill. I do not know whether that will be any recommendation to hon. Gentlemen from Scotland. I cannot conceive that an Irish Land Bill framed on the model of the Bank Charter Bill will be one which the Northern part of Great Britain will receive with great complacency. The right hon. Gentleman now tells us that he is prepared to make this virtually a temporary Bill, and he asks the House only to pass it for a period of twenty years.

Mr. GLADSTONE: I stated that we had carefully considered whether we could apply a provision of that kind to the whole Bill or the general bulk of the Bill; but on account of the nature of the interests involved we did not see how that could be done, but that to the particular provisions that restricted free contract in the 3rd clause it appeared to us it might be applied.

Mr. DISRAELI: That, Sir, is a very handsome admission. Most of those on this side of the House thought it had even a wider application; but the admission is very important, because the right hon. Gentleman admits that restriction on free contract, certainly the most objectionable part of the Bill, is to be mitigated by its being made virtually of a temporary character. But, I say, when such an important admission is made at this hour of the night, it is an argument that the Committee should have some time given them to digest these alterations, and should not have to meet again in a few hours to hurry on a Bill in which, for aught I know, still more important alterations may be made. The right hon. Gentleman says that we have interfered as violently or more violently with property in Ireland in the case of the Poor Law. Sir, that is a fallacy on the part of the right hon. Gentleman. When we interfered by the Poor Law in Ireland, we did not interfere with the freedom of contract. He might as well say that we interfered with property in Ireland when we introduced the income tax. The right hon. Gentleman has challenged me on a subject on which he did not appear to me to be so well informed as in most others, and that is on the cultivation of the soil. Certainly, I admit that the great body of small tenants in Ireland, some of whom only pay £5 a year, are not likely to have a cultivation of the soil so artificial as to involve the rotation of crops; but the Bill is not limited to these small proprietors; it ascends, particularly in the new scale, to occupiers of considerable dimensions, quite sufficient to permit cultivation by rotation of crops. But if the right hon. Gentleman ever finds himself in the position of being a tenant-at-will, and he embarks in a rotation of crops and is dismissed at the end of the year, I think he will find that for unexhausted manures he has a claim for compensation. And when the right hon. Gentleman says that my Amendment may recommend the introduction into Ireland of a principle which may be most injurious and might be fatal if introduced in England, I beg to tell him that compensation for unexhausted improvements is enjoyed in England by the custom of the country. The right hon. Gentleman has to-night, as on previous occasions, endeavoured to overweigh our opinion by the great and "estimable authority of Judge Longfield." We have had two opinions from him to-night. I also will read two passages from Judge Longfield, and they are passages that have been written within a few days. Judge Longfield says, with reference to this measure—

> "The landlord, under the Bill, may be called upon to pay seven years' purchase for taking back from the tenant a possession which he had delivered to the same tenant without receiving anything."

Then the favourite authority of the right hon. Gentleman goes on—

> "He is liable to be called on to pay £70, the whole rent that he had received, and the tenant, who need not have laid out a penny on the land, will have had the enjoyment of it for seven years rent free."

Now, Sir, I do not say Judge Longfield is right or wrong. I do not insist on his authority; but I think that as he is quoted on the other side it is salutary that we should endeavour to get his last opinion. That remark is not only appropriate to the present moment; but I think it ought to make Gentlemen pause before they agree to the clause which is now before us. The real state of the case is, that the Government are in a difficulty through attempting to gain an object which they ought never to have sought to accomplish. And, in accordance with the habit of a Ministry embarrassed for the moment, they are endeavouring to misrepresent the feeling of the Committee; they want to make out that there is a great party struggle when there is no party struggle whatever. The Amendment which I put upon the Table was not aimed at all at these new arrangements, though it happily applies to them; and it is much better that we should decide upon an Amendment of that kind than upon a broad and hostile issue, for if my Amendment were carried there is no reason whatever why the Bill should not proceed. As far as party is concerned, there is no Gentleman sitting on the same side of the House as myself, whether he is connected with me by personal ties or political considerations, that I do not exempt from any necessity of supporting me upon this occasion. I gave notice of this Amendment and of some half-dozen others in the same spirit in which I spoke on the first night, when pledging myself, if possible, to assist the Government in carrying their measure. That measure I wish to see carried; but not by means which in themselves are objectionable, and which are totally opposed to the first representations that were made to this House, under which an unanimous support of the Bill was obtained. In the Bill, as it was drawn, and as it is yet unaltered, you are called on to give compensation to the tenant for his improvements, and as the second object of that clause you are to give him compensation for the loss which he sustains in quitting his holding. The right hon. Gentleman says this is the cardinal point of the measure, to secure damages for eviction. But the Chancellor of the Exchequer commenced the debate this evening by saying that he would not even listen to the phrase of damages for eviction, he so entirely disapproved it. In order to secure to the tenant fair and adequate compensation for improvements and for the loss which he might sustain in quitting his holding, a sliding scale of compensation was included in the original Bill, and must have been calculated from an aggregate of considerations. And compensation for improvements, the great point on which all parties are agreed, on which the opinion of the country has decided, and which was the main result of that celebrated investigation, the Devon Commission, must have been included in that computed sliding scale, and must have formed one of the principal elements or factors of that calculation. What position do we now find ourselves in? In the proposal which the Government make to-night they expunge all considerations of compensation for improvement, and they absolutely increase—enlarge and extend in amount and in character—the computed scale of compensation for eviction. I ask the Committee, is that a satisfactory mode of conducting affairs? Under any circumstances we should be justified in deliberating well before we came to a decision; but it is still more important that we should not too readily acquiesce in proposals marked by obvious haste and precipitation, remembering that in this change is involved the adoption of a principle not previously accepted by the Legislature of this country, or sanctioned by society. No one denies that in the clause now before us occupation, for the first time, is treated as property. For the first time it is provided by legislation that a lessee, when his term has expired, and when he has ceased to enjoy all the advantages of the term, may go to his lessor and demand compensation from him because his lease has expired. I will use no strong terms; I will not say these are monstrous innovations; I will not say they are provisions that might make the wisest man grave, and create alarm in the bosom of the boldest; but I will say that they are provisions novel in the history of this old and experienced country, that they require the utmost deliberation, that the measure includes proposals such as ought not to be hurried by a Minister through Parliament, and that a House of Commons will not do its duty to its constituents, be they English, Scotch, or Irish, which suffers a measure of this kind to be so hurried. The right hon. Gentleman has given us a striking picture of the state of Ireland, and he says it is to the shame of England that such a state of affairs should be allowed to exist. I sympathize with the sufferings of the Irish people as much, probably, as many in this House who talk more about them. There is much in the history of that race that is interesting, that charms the imagination, and that touches the heart. But when I hear of Ireland being the infamy of this country, I cannot but recollect that there is a portion of Ireland second to no part of England or Scotland in its energy and prosperity, and in the high national spirit that pervades its population. And I want to know how much of that prosperity, success, and high spirit are not due to British blood and British enterprize. The right hon. Gentleman tells us the state of Ireland is disgraceful, and he fixes on the value of land there, which he seems to have heard of for the first time, as an evidence of this. Estates worth only twenty or twenty-one years' purchase—what a disgrace to England that such a state of things should exist in a country so closely connected with us, and which ought to share our civilization! The reason, he tells us, is that property in Ireland is not secure; and these are the schemes by which it is to be made secure. Estates are only selling there for twenty years' purchase; says the right hon. Gentleman—"I will secure to the occupier a third of that value"—and that is the way he increases the value of estates in Ireland. The right hon. Gentleman compares the value of an estate in Ireland with that of an estate in England. I think it deserves the consideration both of Her Majesty's Government and of Members of this House, without distinction of party, whether, in attempting to heighten the value of property in Ireland, you may not succeed in lowering the value of property in England. It is because I see in this clause elements which will lead to that result, elements which will deteriorate the value of landed property in England and Scotland, without raising the value of landed property in Ireland, that I give my opposition to the clause, and that I move the Amendment which stands in my name.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 220; Noes 296: Majority 76.

AYES.

Adderley, rt. hn. Sir C. B.
Allen, Major
Annesley, hon. Col. H.
Archdall, Captain M.
Arkwright, A. P.
Arkwright, R.
Assheton, R.
Aytoun, R. S.
Bagge, Sir W.
Bailey, Sir J. R.
Ball, J. T.
Barnett, H.
Barrington, Viscount
Barttelot, Colonel
Bateson, Sir T.
Bathurst, A. A.
Beach, W. W. B.
Bective, Earl of
Bentinck, G. C.
Beresford, Lt.-Col. M.

Bingham, Lord
Birley, H.
Bourne, Colonel
Bright, R.
Brise, Colonel R.
Broadley, W. H. H.
Brodrick, hon. W.
Brooks, W. C.
Bruce, Sir H. H.
Bruen, H.
Burke, Viscount
Burrell, Sir P.
Cameron, D.
Cartwright, F.
Cave, right hon. S.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Chaplin, H.
Charley, W. T.
Child, Sir S.
Clive, Colonel E.
Clowes, S. W.
Cole, Col. hon. H. A.
Collins, T.
Corbett, Colonel
Corrance, F. S.
Corry, rt. hon. H. T. L.
Crichton, Viscount
Croft, Sir H. G. D.
Cross, R. A.
Cubitt, G.
Curzon, Viscount
Dalrymple, C.
Damer, Capt. Dawson-
Davenport, W. B.
Dawson, R. P.
De Grey, hon. T.
Denison, C. B.
Dimsdale, R.
Disraeli, right hon. B.
Dowdeswell, W. E.
Du Pre, C. G.
Dyott, Colonel R.
Eastwick, E. B.
Eaton, H. W.
Egerton, hon. A. F.
Egerton, hon. W.
Elcho, Lord
Elliot, G.
Elphinstone, Sir J.D.H.
Ewing, A. O.
Feilden, H. M.
Fellowes, E.
Fielden, J.
Figgins, J.
Finch, G. H.
Fitzwilliam, hn.C.W.W.
Fitzwilliam, hon. H. W.
Forde, Colonel
Forester, rt. hon. Gen.
Fowler, R. N.
Galway, Viscount
Garlies, Lord
Gilpin, Colonel
Goldney, G.
Gooch, Sir D.
Gordon, E. S.
Gore, J. R. O.
Gore, W. R. O.
Graves, S. R.
Gray, Lieut.-Colonel
Greene, E.
Gregory, G. B.
Gurney, right hon. R.
Hambro, C.
Hamilton, I. T.
Hamilton, Lord C.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamilton, Marquess of
Hardy, right hon. G.
Hardy, J.
Hardy, J. S.
Hay, Sir J. C. D.
Henley, rt. hon. J. W.
Henniker-Major, hon. J. M.
Henry, J. S.
Herbert, rt. hon. Gen. Sir P.
Hermon, E.
Hervey, Lord A. H. C.
Heygate, Sir F. W.
Hick, J.
Hildyard, T. B. T.
Hill, A. S.
Hoare, P. M.
Hodgson, W. N.
Holford, R. S.
Holmesdale, Viscount
Holt, J. M.
Hood, Cap. hn. A.W.A.N.
Hope, A. J. B. B.
Howes, E.
Hunt, right hon. G. W.
Hutton, J.
Ingram, H. F. M.
Jackson, R. W.
Jenkinson, Sir G. S.
Jervis, Colonel
Jones, J.
Kekewich, S. T.
Keown, W.
Knight, F. W.
Knox, hon. Colonel S.
Lacon, Sir E. H. K.
Laird, J.
Langton, W. G.
Legh, W. J.
Lennox, Lord G. G.
Leslie, C. P.
Liddell, hon. H. G.
Lindsay, hon. Colonel C.
Lindsay, Colonel R. L.
Lowther, Colonel
Lowther, J.
Lowther, W.
Maitland, Sir A. C. R. G.
Malcolm, J. W.
Manners, Lord G. J.
Manners, rt. hn. Lord J.
March, Earl of
Maxwell, W. H.
Mellor, T. W.
Meyrick, T.
Milles, hon. G. W.
Mills, C. H.
Montagu, rt. hn. Lord R.
Morgan, C. O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Neville-Grenville, R.
Newdegate, C. N.
North, Colonel
Northcote, rt. hon. Sir S. H.
O'Neill, hon. E.
Paget, R. H.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Parker, Lieut.-Col. W.
Patten, rt. hon. Col. W.
Peek, H. W.
Pell, A.
Pemberton, E. L.
Phipps, C. P.
Plunket, hon. D. R.
Raikes, H. C.
Read, C. S.
Ridley, M. W.
Round, J.
Royston, Viscount
Salt, T.
Sandon, Viscount
Sclater-Booth, G.
Selwin-Ibbetson, Sir H. J.
Seymour, H. de G.
Shirley, S. E.
Sidebottom, J.
Simonds, W. B.
Sinclair, Sir J. G. T.
Smith, A.
Smith, F. C.
Smith, R.
Smith, S. G.
Smith, W. H.
Somerset, Colonel
Stopford, S. G.
Stronge, Sir J. M.
Sturt, H. G.
Sturt, Lieut.-Col. N.
Sykes, C.
Talbot, hon. R. A. J.
Talbot, J. G.
Taylor, rt. hon. Colonel
Tipping, W.
Tollemache, J.
Trevor, Lord A. E. Hill-
Turner, C.
Turnor, E.
Verner, E. W.
Verner, W.
Vickers, S.
Walker, Major G. G.
Walpole, hon. F.
Walpole, rt. hon. S. H.
Walsh, hon. A.
Welby, W. E.
Wethered, T. O.
Whalley, G. H.
Wilmot, H.
Winn, R.
Wyndham, hon. P.

TELLERS.

Dyke, W. H.
Noel, hon. G. J.

NOES.

Acland, T. D.
Agar-Ellis, hon. L. G. F.
Akroyd, E.
Allen, W. S.
Amcotts, Colonel W. C.
Amory, J. H.
Anderson, G.
Anson, hon. A. H. A.
Antrobus, E.
Armitstead, G.
Ayrton, rt. hon. A. S.
Backhouse, E.
Baines, E.
Baker, R. B. W.
Barclay, A. C.
Barry, A. H. S.
Bass, A.
Bass, M. T.
Baxter, W. E.
Bazley, Sir T.
Beaumont, Capt. F.
Beaumont, S. A.
Bentall, E. H.
Blennerhassett, Sir R.
Bolckow, H. W. F.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowmont, Marquess of
Bowring, E. A.
Brady, J.
Brand, right hon. H.
Brand, H. R.
Brassey, H. A.
Brewer, Dr.
Bright, J. (Manchester)
Brinckman, Captain
Bristowe, S. B.
Brogden, A.
Brown, A. H.
Bruce, Lord C.
Bruce, right hon. H. A.
Buller, Sir E. M.
Bury, Viscount
Butler-Johnstone, H. A.
Buxton, C.
Cadogan, hon. F. W.
Callan, P.
Campbell, H.
Candlish, J.
Cardwell, right hon. E.
Carnegie, hon. C.
Carter, Mr. Alderman
Castlerosse, Viscount
Cavendish, Lord F. C.
Cavendish, Lord G.
Chadwick, D.
Chambers, M.
Chambers, T.
Childers, rt. hn. H. C. E.
Cholmeley, Captain
Clay, J.
Cogan, rt. hon. W. H. F.
Colebrooke, Sir T. E.
Coleridge, Sir J. D.
Collier, Sir R. P.
Corbally, M. E.
Cowen, J.
Cowper, hon. H. F.
Cowper-Temple, rt. hn W
Craufurd, E. H. J.
Crawford, R. W.
Dalrymple, D.
Dalway, M. R.
D'Arcy, M. P.

Davies, R.
Dease, E.
Delahunty, J.
De La Poer, E.
Denman, hon. G.
Dent, J. D.
Devereux, R. J.
Dickinson, S. S.
Digby, K. T.
Dilke, Sir C. W.
Dillwyn, L. L.
Dixon, G.
Dodds, J.
Downing, M'C.
Dowse, R.
Duff, M. E. G.
Edwardes, hon. Col. W.
Edwards, H.
Egerton, Capt. hon. F.
Enfield, Viscount
Ennis, J. J.
Erskine, Admiral J. E.
Esmonde, Sir J.
Eykyn, R.
Fagan, Captain
Fawcett, H.
Finnie, W.
FitzGerald, right hon. Lord O. A.
Fitzmaurice, Lord E.
Fletcher, I.
Foljambe, F. J. S.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, rt. hon. C. P.
Fortescue, hon. D. F.
Fothergill, R.
Fowler, W.
Gavin, Major
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldsmid, Sir F. H.
Goschen, rt. hon. G. J.
Gourley, E. T.
Gower, Lord R.
Graham, W.
Gray, Sir J.
Gregory, W. H.
Greville, hon. Captain
Grey, rt. hon. Sir G.
Grieve, J. J.
Grosvenor, hon. N.
Grosvenor, Capt. R. W.
Guest, M. J.
Hamilton, J. G. C.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marquess of
Haviland-Burke, E.
Hay, Lord J.
Headlam, rt. hon. T. E.
Henley, Lord
Herbert, hon. A. E. W.
Herbert, H. A.
Hibbert, J. T.
Hodgkinson, G.
Holms, J.
Hoskyns, C. Wren-
Howard, hon. C. W. G.
Howard, J.
Hughes, T.
Hurst, R. H.
Hutt, right hon. Sir W.
Hyde, Lord
Illingworth, A.
Jardine, R.
Jessel, G.
Johnston, A.
Johnston, W.
Johnstone, Sir H.
Kay-Shuttleworth, U. J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Lambert, N. G.
Lancaster, J.
Lawrence, Sir J. C.
Lawrence, W.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Lefevre, G. J. S.
Lewis, J. D.
Lewis, J. H.
Loch, G.
Locke, J.
Lorne, Marquess of
Lowe, right hon. R.
Lubbock, Sir J.
Lusk, A.
Lyttelton, hon. C. G.
M'Arthur, W.
M'Clean, J. R.
M'Clure, T.
Macfie, R. A.
Mackintosh, E. W.
M'Lagan, P.
M'Mahon, P.
Magniac, C.
Maguire, J. F.
Marling, S. S.
Martin, P. W.
Matthews, H.
Melly, G.
Merry, J.
Miall, E.
Milbank, F. A.
Miller, J.
Mitchell, T. A.
Monk, C. J.
Monsell, right hon. W.
Moore, G. H.
Morgan, G. O.
Morley, S.
Morrison, W.
Mundella, A. J.
Munster, H.
Muntz, P. H.
Murphy, N. D.
Nicol, J. D.
O'Brien, Sir P.
O'Conor, D. M.
O'Donoghue, The
Ogilvy, Sir J.
O'Loghlen, rt. hon. Sir C. M.
Onslow, G.
O'Reilly, M. W.
O'Reilly-Dease, M.
Osborne, R.
Otway, A. J.
Palmer, J. H.
Palmer, Sir R.
Parker, C. S.
Parry, L. Jones-
Pease, J. W.
Peel, A. W.
Pelham, Lord
Philips, R. N.
Pim, J.
Platt, J.
Playfair, L.
Plimsoll, S.
Pollard-Urquhart, W.
Potter, E.
Potter, T. B.
Power, J. T.
Price, W. P.
Rathbone, W.
Rebow, J. G.
Reed, C.
Richard, H.
Richards, E. M.
Robertson, D.
Robinson, E. S.
Roden, W. S.
Rothschild, Brn. M. A. de
Rothschild, N. M. de
Russell, A.
Russell, H.
Rylands, P.
St. Aubyn, J.
St. Lawrence, Viscount
Samuda, J. D'A.
Samuelson, B.
Samuelson, H. B.
Sartoris, E. J.
Saunderson, E.
Seely, C. (Nottingham)
Seymour, A.
Shaw, R.
Shaw, W.
Sherlock, D.
Sherriff, A. C.
Simeon, Sir J.
Simon, Mr. Serjeant
Smith, E.
Smith, J. B.
Stacpoole, W.
Stanley, hon. W. O.
Stansfeld, right hon. J.
Stapleton, J.
Stepney, Colonel
Stevenson, J. C.
Stone, W. H.
Strutt, hon. H.
Stuart, Colonel
Sykes, Colonel W. H.
Synan, E. J.
Taylor, P. A.
Tollemache, hon. F. J.
Torrens, R. R.
Tracy, hon. C. R. D. Hanbury-
Trevelyan, G. O.
Villiers, right hon. C. P.
Vivian, A. P.
Vivian, H. H.
Vivian, Capt. hn. J. C. W.
Walter, J.
Wedderburn, Sir D.
Weguelin, T. M.
West, H. W.
Whatman, J.
Whitbread, S.
White, J.
Whitwell, J.
Whitworth, T.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Young, A. W.
Young, G.

TELLERS.

Adam, W. P.
Glyn, hon. G. G.

House *resumed.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

VISCOUNT BARRINGTON said, he wished to ask the right hon. Gentleman at the head of the Government whether it would be absolutely necessary to have Morning Sittings during this week?

MR. GLADSTONE said, he had stated that it would be a great convenience for hon. Members to be released from the further prosecution of this Bill at the close of this week; but it would be necessary to go on with the Bill until that time.

PAWNBROKERS.

Select Committee *appointed,* "to inquire into the state of the Law affecting the Pawnbroking Trades, with a view to its consolidation and amendment."—(*Mr. Plimsoll.*)

And, on May 9, Committee *nominated* as follows:—Mr. AYRTON, Mr. RICHARD ARKWRIGHT, Mr. Alderman CARTER, Mr. HAMBRO, Mr. THOMAS HUGHES, Mr. CHARLES HENRY

Mills, Mr. Whitwell, Mr. Ridley, Mr. Serjeant Simon, Colonel Beresford, Mr. Morley, Mr. Sidebottom, Mr. Montague Guest, Mr. Charley, and Mr. Plimsoll:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, 5th April, 1870.

MINUTES.]—*Took the Oath*—The Lord Archbishop of Armagh.

Public Bills—*First Reading*—Oyster and Mussel Fisheries Supplemental * (62).

Second Reading—Ecclesiastical Patronage Transfer (55).

Committee — Report — Dublin Collector-General of Rates Franchise * [44].

ECCLESIASTICAL PATRONAGE TRANSFER BILL—(No. 55.)

(*The Lord Lyttelton.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Lord LYTTELTON, in moving that the Bill be now read the second time, explained that the measure was designed to meet the case of patrons who, being unable to contribute the quota required of private patrons of small livings as a condition of augmentation by the Ecclesiastical Commissioners, wished to transfer the patronage to ecclesiastical corporations, whether aggregate or sole. The patron of some poorly-endowed livings in his own neighbourhood had desired to take this course under the 3rd & 4th or 31st & 32nd of the Queen, but had been informed by the Commissioners that there was a difficulty, the latter statute, though passed for the express purpose of curing a defect recently discovered in the former Act, having accidentally introduced a new defect. The Commissioners, though not disposed themselves to introduce a Bill, had no objection to the present measure; and he believed it was approved by the Earl of Chichester, who would naturally be regarded by their Lordships as an authority on the subject. He moved that it be read a second time.

Motion *agreed to.*

Bill read 2^a accordingly.

THE NEW PUBLIC OFFICES.

QUESTIONS. OBSERVATIONS.

Lord REDESDALE, who had given notice of several Questions, said, he wished, in the first place, to ask Her Majesty's Government, Whether, and to what extent, the buildings on the vacant land in Downing Street are to be proceeded with this year? Seeing the comfortable surplus which it was believed existed he hoped sufficient money would be voted to complete the present block of buildings. He was also anxious to learn, Whether the houses in King Street and Parliament Street, which it was arranged four years ago should be purchased for the extension of the site of the Public Offices in Downing Street, have been purchased, or are agreed for to be purchased? He understood that all, or most of them, had been bought, large sums having been given for the immediate dislodgement of the occupants; but some of them had been allowed to continue their occupation, paying rent, he presumed, to the Crown; while several were now unoccupied and producing no return, while under the provisions of the Act rates had to be paid on this ground. His third Question was, Whether any design has been prepared for the extension of the buildings on the site so procured, and whether it can be laid before Parliament? Now, the whole, or a portion of the ground in Charles Street had been purchased on behalf of the Indian Government, in order, by the removal of the houses, to secure proper light for the India Office; but though the purchase money had been handed over, and rates had to be paid, nothing had been done, and the ground was unoccupied. This was very unprofitable management, and it was not creditable to Parliament that a little money could not be laid out for the completion of the Government Offices. Parliament, he was sure, would willingly make the necessary grant; but it seemed that the Chancellor of the Exchequer was not disposed to ask for money for this purpose. All the plans had been prepared for some time, and the Report of 1868 contemplated the acquisition of the whole block of ground down to George Street for the Public Offices, in order to procure a concentration—which was very desirable—in the vicinity of the Houses of Parliament. He suggested long ago that the freehold of all this property should be purchased by the Government, in order that they might have the control of the property at any time when it was practicable to carry out the scheme, and the late Lord Llanover, when First Commissioner of Works, was very anxious that this should be done; but he was thwarted, and nothing had been done. The site was constantly receiving improvements in the way of repairs and rebuilding, so that whenever action was taken in the matter much greater expense would have to be incurred than would originally have sufficed. He had further to ask, Why, and on what terms, a House lately erected fronting St. James's Park, has been allowed to be brought forward beyond the line of frontage of the adjoining houses, and additional land has been allowed to be enclosed in front of it, and whether that House is on Crown property? That house was only approached out of what was called Chapel Court, in Duke Street; it was an expensive and decorated building, but whether an ornamental one was a question of taste. The additional land enclosed in front was apparently intended to prevent the basement windows from being overlooked. That was one of the houses which, if the Report of 1868 was carried out, would require compensation; and it was very improvident to allow Crown property to be so managed.

The Marquess of LANSDOWNE, in reply, stated that it was intended to proceed with the buildings in Downing Street this year, and £80,000 would be voted for the purpose, this amount representing the maximum extent of the buildings which could be erected within that period. There was every desire to push on the work; but it was impossible to complete so large a mass of buildings as that eventually to be completed in one year. Arrangements had been made for the purchase of the whole of the houses in King Street and Parliament Street required for the extension of the Public Offices, the greater part of the purchases having been already concluded, and the £18,000 which appeared on the Estimates this year represented the whole of the outstanding purchases. A design for the extension of the buildings was placed in the Library of the House of Commons last Session, and would, if the noble Lord wished it, be placed in their Lordships' Library for inspection. With regard to the house fronting St. James's Park, it was built on Crown property; but no additional land had been enclosed. The property of the Crown was bounded by an iron railing, and this had not been removed. It was under the control, not of the Board of Works, but of the office of Woods and Forests, and it was within their competence to approve designs of buildings, including the basement windows to which the noble Lord alluded.

Lord REDESDALE wished to know whether there was any design for the utilization of the ground in Charles Street?

The Duke of ARGYLL said, part of this site belonged to the Indian Government, which contemplated the erection of an Indian Museum there. The present Museum building was very inadequate, and it was increasingly important for the exhibition of the commercial products of India to erect a better one. In the present state of Indian finances, however, no money could be spared for this purpose.

Lord REDESDALE said, this showed that the Government were dealing with the Crown lands without any definite plan. This piece of ground was already required for other Government Offices, and that the erection of a museum would derange the entire plan. It was most unfortunate that plans should be constantly changed without any definite and comprehensive basis. He did not know how much of Parliament Street would be occupied by the design to which the noble Marquess had referred; but it would be very unwise to do things by halves, and while diverting the traffic of King Street into Parliament Street to leave a portion of the latter as narrow as at present.

THE DUKE OF WELLINGTON'S MONUMENT.

MOTION FOR CORRESPONDENCE.

Earl CADOGAN *moved* for—

> Copies of any correspondence which may have recently taken place between Her Majesty's Chief Commissioner of Works and the surveyor of St. Paul's Cathedral, with reference to the monument to the late Duke of Wellington in course of erection in that church:

Return of copy of agreement entered into between the Board of Works and Mr. Stevens, the artist selected to execute the work:

Payments made to Mr. Stevens on account of the work itself, or to others for purposes in connexion with it:

Dates of payment:

Sum originally voted by Parliament for the erection of the monument:

Balance remaining available for the completion of it.—(*The Earl Cadogan.*)

THE MARQUESS OF LANSDOWNE said, the Government would not object to the Return, if the noble Earl pressed for it; but it being expected that the work would be completed within a year, and it being probable that the original terms would not be adhered to, it would be better to await its completion before entering on an inquiry into the mode in which it had been carried out.

EARL CADOGAN said, he had been informed, that unless a further sum was voted by Parliament, the work could not not be completed this year; for of the £14,000 originally voted, all but about £1,000 had been expended, and of this a considerable portion would be absorbed by expenses other than those of the monument itself. Four years ago on his calling attention to this matter, an assurance was given that the work was in a forward state, but he feared there was no more prospect of the work being completed this year than there was four years ago. The commission was first given to the artist in 1858—one condition being that a complete model should be produced and placed in the cathedral in a very short time; but this condition was modified by Lord John Manners, when First Commissioner of Works, who, in view of the gigantic size of it, proposed that only a portion of it should be so produced; and even this had never been done. It was not till 1867 that the model was completed.

THE MARQUESS OF LANSDOWNE said, he did not object to give the Returns; but he only wished to point out that it would be well to allow Mr. Stevens to complete the work before they inquired into the manner in which the work had been done.

EARL CADOGAN said, he had every reason to believe that, in his report to the Board of Works, the artist distinctly stated that he had no idea of completing the work this year.

EARL STANHOPE said, he had heard with satisfaction that the works were to be completed within a year; but he wished to know whether the noble Marquess had given that assurance on any positive ground. The real question as he apprehended was, whether there was sufficient money in hand for that purpose, or whether it would be necessary to apply to Parliament for a further grant?

EARL GRANVILLE said, his noble Friend (the Marquess of Lansdowne) had stated that it was not desirable to produce the Return at present, though, if their Lordships pressed for it, it would be produced. He had also informed them that the First Commissioner believed it would be finished by the end of this year. As regards the funds, about £1,000, part of the original Vote for the work, was still in hand, and £900 additional would be asked for in the Estimates for this year for the same purpose.

THE DUKE OF RICHMOND said, it was quite clear that if the Returns were published it would clear up the doubts which were entertained upon the subject. The noble Marquess had stated, on the authority of the Chief Commissioner of Works, that the monument would be completed within the year, and the correspondence would show if more money would be required. It was desirable the Papers should be supplied.

EARL STANHOPE asked, whether the Return would show the available balance?

EARL CADOGAN believed it would, and would also satisfy their Lordships of its insufficiency.

Motion *agreed to.*

House adjourned at Six o'clock,
to Thursday next, half past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 5th April, 1870.

MINUTES.] — SELECT COMMITTEE — *Report* — Committee of Selection [No. 81].

PUBLIC BILLS — *Ordered* — *First Reading* — Water Supply on Sunday (Metropolis) [94].

Committee—Irish Land [29]—R.P.

Considered as amended—*Third Reading*—County Courts (Buildings) * [91], and *passed.*

Third Reading—Survey of Great Britain, &c.* [90], and *passed.*

The House met at Two of the clock.

BANK OF IRELAND—PAYMENT OF DIVIDENDS.—QUESTION.

Mr. SHERLOCK said, he would on Thursday next ask Mr. Chancellor of the Exchequer, Whether he intends to extend to the proprietors of Government Funds, the dividends on which are payable at the Bank of Ireland, the same facilities with respect to cheques which are given by the Bank of England?

The CHANCELLOR of the EXCHEQUER: I may as well state now that I believe there will be no objection to give similar facilities.

ARMY—ROYAL ACADEMY, WOOLWICH. QUESTION.

Colonel BERESFORD said, he would beg to ask the Secretary of State for War, Whether the number of trials at the Chelsea examinations for admission to the Royal Academy, Woolwich, limited by the new Regulations to three, will commence from July next or from July 1871, when other new Regulations will come into operation?

Mr. CARDWELL: Sir, the new regulations come into force in July, 1871, and this clause, being part of them, will come into operation at the same time.

LOTTERIES FOR POOR SCHOOLS. QUESTION.

Mr. CHARLEY said, he would beg to ask the Secretary of State for the Home Department, Whether he is aware that the illegal Lottery for the Homer Row Poor Schools, which by a Letter, dated the 14th February last, he informed the Secretary of the Scottish Reformation Society that "the Solicitor to the Treasury had been instructed to take steps to prevent," is now publicly announced to take place on Thursday next, the 7th instant; and whether he is prepared to put the Law, thus openly defied, in force against the promoters of the Lottery?

Mr. BRUCE, in reply, said, it had been the practice of the Home Office, for a long time past, whenever notice was given of any illegal lottery, whether its object was innocent or demoralizing, to give notice to the parties that such lottery was illegal, and that they were liable to prosecution. With respect to those lotteries for religious purposes, which were very like the raffles that took place at every bazaar for religious purposes, no prosecution had taken place; and it would be his duty, on receiving notice as to what had taken place, to consider whether that was a case for the institution of a prosecution at the expense of the Government. He was hardly inclined to think it would be.

ARMY—WOOLWICH AND SANDHURST. QUESTION.

Colonel BERESFORD said, he would beg to ask the Secretary of State for War, If Clause 7, page 2, of the Regulations of February 15, 1870, for the Woolwich Academy ("The number of trials allowed will not exceed three,") will come into operation from July 1871, or when; and, as to Clause 9, page 3, (No. 2), limiting the examinations in English literature to specified authors, and (No. 2A) in English History to certain fixed periods, who is to fix the authors and the periods? The candidates or the examiners? And how long beforehand is the notification to take place? Will two years be allowed in order to prevent a system of "cram" being adopted consequent upon a shorter notice; and, when will candidates be again allowed to compete for Sandhurst College?

Mr. CARDWELL: Sir, the authors and periods of history have been fixed, in communication with the Civil Service Commissioners, for July, 1871. Notice will be given at once for the examination in July, 1871. In consequence of the reduction of commissions without purchase, the ground on which the recommendations of the Royal Commission respecting Sandhurst were founded has failed, and the subject has, in consequence, been referred back to them.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE.

[*Progress 4th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Compensation in absence of custom).

Mr. GLADSTONE, in moving the Amendment which came first, and which stood in the name of his right hon. Friend the Chief Secretary for Ireland, who was absent from his seat for a moment, said, he proposed to alter the words of the Amendment not in a manner different from the intentions with which the Bill was framed, but so as to clear up the doubts expressed by his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) and other Members in the course of the discussion last night. The Amendment as it stood on the Paper ran thus — after "compensation," in line 4, to insert "for the loss sustained by him in quitting his holding." It was objected by his hon. and learned Friend, and was perhaps felt by others, in connection with language of his own, much too concise for its purpose, that under this Amendment the loss was to be assumed, and nothing was to remain but to allow the landlord to come in and make objection. It would be perfectly satisfactory to the Government to amend the words proposed to be inserted in this manner—"for the loss which the Court shall find to have been sustained by him in quitting his holding." This would show that the matter was to be the subject of judicial cognizance. If Gentlemen would have the kindness to refer to Clause 12, they would find it was required that the tenant must state the particulars with respect to which compensation was claimed. That, taken in connection with the words now proposed, would show that amount of loss must be made out, and not taken for granted. He now begged to move the insertion of the words.

Amendment proposed,

In page 3, line 4, after the word "compensation," to insert the words "for the loss which the Court shall find to have been sustained by him in quitting his holding."—(*Mr. Gladstone.*)

Mr. CHAPLIN said, although he was not in any way connected with Ireland, he trusted he might be permitted to say a few words on the subject, and he desired, in the first place, to assure the right hon. Gentleman at the head of the Government that he was not one of those owners of property to whom he had alluded last night in a manner that was, he must say, scarcely called for, and of whom he said that they had not made the least endeavour to ascertain the views which were held upon that question in other parts of the kingdom. It was not given to many men to possess those transcendent qualities for which the right hon. Gentleman was so justly remarkable, and he might say, without hesitation, that the attention, trouble, and skill which the right hon. Gentleman had brought to bear on the question entitled him to the thanks both of Parliament and the country. At the same time, however, he must beg to remind the right hon. Gentleman that even amongst Gentlemen who sat on the Opposition side of the House there were some who had endeavoured, with what success it was not for him to say, to arrive at what they believed to be correct and right views on the subject.

Mr. GLADSTONE said, he was not aware of having used the words attributed to him by the hon. Gentleman. He said "No adequate endeavour."

Mr. CHAPLIN said, he thought the exact words used were—

> "Men of property who make not the least endeavour to learn and appreciate the point of view from which these subjects are regarded by the rest of the kingdom."

If he was incorrect in attributing those words to the right hon. Gentleman he should gladly withdraw what he had said.

Mr. GLADSTONE said, he did not think he used those precise words. His impression was that he said "no adequate endeavour;" but undoubtedly if he used that expression he was very sorry for it.

Mr. CHAPLIN frankly accepted that explanation. They had endeavoured, whether their views were erroneous or not, to arrive at what they believed to be correct conclusions. He observed with regret, if not in that House, certainly out of its doors, that a fashion had rather sprung up of putting aside at once all English expressions of opinion with reference to this Irish question as English, and therefore necessarily and naturally wrong. He protested altogether against a dictum of that sort, and he must say that, having regard to the application of Irish views and customs in Ireland, and the state of that country, the conclusion was forced irresistibly on his mind that, if English views and customs had been adopted there a little more, Ireland would probably have found itself in a more fortunate state than that in which it now was. He did not wish it to be supposed that in making those remarks he was actuated by any want of sympathy whatever for the Irish people. No man in the House felt a warmer or more sincere sympathy with the people of Ireland than he did, and he looked at the present state of the country with sorrow and pain; with sorrow, because he foresaw, as far at least as it was permitted him to judge, that no real or permanent amendment could be made in the condition of the people without going to the root of many of their prejudices; with pain, because he knew that in Ireland the prejudices of the Irish people were dear to them indeed. Having said thus much he wished to add a few words on the subject immediately before the House. He was scarcely prepared at first for the change in the Amendment of which the right hon. Gentleman had just given notice. He did not think the Amendment was satisfactory; and on a point of such importance as that they had a right to an answer and a more explicit answer than as yet had been given to those who asked what the loss for which compensation was to be given really was. Compensation for improvements was an intelligible proposition, and was also just and fair. As to compensation for improvements, interruption to the due course of husbandry, or inconvenience to the tenant from a change of farms, no one would be disposed to go further than he should. But what was the "loss" to be here estimated? Not the loss of capital, skill, or labour expended on the farm, or the fruits of that which the tenant had sown but had been prevented from reaping. Every man on both sides of the House was anxious that the tenant should receive large and liberal payment on this score. But on what ground were they asked to go further? It was true that he lost the privilege and enjoyment of the benefits arising from holding the farm. The privilege was one which, in Ireland, was very much sought after; but was that what they proposed to give compensation for? He could conceive no more monstrous proposition than this—that for the future in Ireland the landlords were to be compelled to compensate the tenant for the loss, or rather the non-continuance of a privilege which he might have been enjoying for years, and which emanated, in the first place, from the landlords themselves. You might just as well be called upon to compensate a man who applied for a farm in the first instance and was refused, and with this additional reason—while the actual occupier had benefited by his holding and by the profits he had drawn from the farm during a number of years, the applicant who never got the farm had had no opportunity of deriving any benefit whatever. He would suppose a case in which A was in possession of a farm, and B and C wished to have it; A naturally desired to retain the enjoyment of the profits he derived from his holding, and B and C were anxious to step into them with as little loss of time as possible. If B got the holding, A and C were both disappointed, and A, who had enjoyed the occupation for a number of years, was recouped to the amount of seven years' rent; while unfortunate C, who never had it, got nothing at all. Independently of all considerations of justice, this appeared to him to be a most extraordinary proposition, especially considered as one by which it was proposed to regenerate Ireland.

Mr. WALTER said, he wished, at this interesting stage of the Bill, to state to the Committee the reasons why he should feel himself unable to assent to the proposed alteration of this clause without some qualification, which hitherto had not been offered. He would frankly admit that the right hon. Gentleman at the head of the Government had improved his proposed Amendment; but, although the new phraseology made the meaning of the Amendment more clear, it did not obviate the objection he entertained to the Amendment as originally proposed. It would be admitted on all hands that the course which the Government was now taking with reference to the 3rd clause was an advance on its original demand; and that was the reason he objected to it. He wished it to be clearly understood he did not object to this Amendment because it recognized, more distinctly than the clause as originally worded did, the right of the evicted tenant to compensation for loss sustained in consequence of eviction. Last night he voted against the Amendment of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), because it appeared to him that the right hon. Gentleman wished to exclude from the Compensation Clause all considerations of the loss sustained by eviction as a separate item of calculation. Without implying any recognition of what was called right of occupancy—the existence of which he entirely denied, he would fully admit that a tenant on being evicted without just cause was entitled to compensation for the loss he sustained; but he wished to explain what he meant when he denied the right to any compensation founded on what was called right of occupancy. The right of occupation must mean one of two things—it must mean either a permanent, or a temporary right to occupy a certain property. A permanent right of occupation could exist only under an arrangement entitling the holder or his successors to a tenancy for ever; and any other kind of occupation must necessarily be limited by the term assigned to it. Such a thing as a right of occupation coupled with a tenancy from year to year was a contradiction in terms, and no Act of Parliament could make it otherwise; for no Act of Parliament could make the English language mean the contrary of that which was its natural meaning. Therefore, he could not for a moment admit that this clause, either as it originally stood, or as it was now amended, conferred on tenants any such abstract right as the right of occupation; but he would admit that even a yearly tenant, who sustained loss by being evicted without just cause, was entitled to have that loss taken into consideration. He objected to the proposed alteration, because he did not think it was competent to the Government, when it brought in a Bill containing a clause for assessing damages, to make an advance upon the scale which it first proposed. It appeared to him that on this occasion Government was somewhat in the position of a plaintiff in an action for compensation for damages sustained by a railway accident; the plaintiff came into court with a claim which he thought was just and sufficient, and, although it was competent for the defendant to endeavour to reduce the amount of the damages, it was not competent for the plaintiff, after he had stated to the court what damages he thought sufficient to meet the justice of the case, to make an advance on that amonnt. Therefore, he must consider that the right hon. Gentleman the Chief Secretary for Ireland had set a rather bad example, because after having put them in possession of his Bill, as his tenants, he had, in fact, raised the rent and thereby created a disturbance; and it was to that he objected. It was true that the right hon. Gentleman by a subsequent Amendment, which, of course, must be taken in connection with the clause, had altered his sliding scale; and it was curious to observe what the alteration really amounted to. The right hon. Gentleman had increased the number of gradations in the sliding scale from four to seven, and he had graduated the damages in what he thought was a more just and equitable manner. A sliding scale was a pretty thing to look at, but in the case of the Corn Laws it did not bear the test of practical experience. The amended sliding scale ranged from £70 to £200. Taking the maximum amounts — as one must do in order to test the principle, the amount proposed to be given for a tenancy above £20 and not exceeding £30 in annual value was not to exceed five years' rent or £150. In the next grade, the tenant whose rent was between £30 and £40 was to receive a sum not exceeding four years' rent or £160. Then the tenant whose rent was above £40 and did not exceed £50 was to receive a sum not exceeding three years' rent or £150. Therefore the tenants in the first and third grades he had named would receive £150, and a tenant in the intermediate grade would receive £160. He could not understand the object or reason of that arrangement, and he so far agreed with the right hon. Gentleman the Member for Buckinghamshire as to think there was some awkwardness in attempting to define too strictly this right to compensation. Although they had been told that the tenant had no alternative but the workhouse or America —which reminded him of a proverb in vogue at the time of the Commonwealth, when a man was told to go to Connaught, or another place that need not be named—he did not admit that this was the case entirely, and he could conceive the case of a tenant evicted, who might the very next month get a better farm than that which he had left. In such a case how could any court measure the amount of damage to be received by the tenant? What length of time was to be allowed in order to ascertain whether the tenant had bettered himself or not? You could not keep the matter hanging over the head of the landlord for seven years before he could know the amount to be paid; and this showed the awkwardness of attempting to define these things too strictly. If it had been frankly stated that the Government proposed to insert a clause which should have the effect of giving an equivalent boon to the landlord in consideration of the alteration and of the separation of the terms to be paid in compensation, he should have no objection to the Amendment; but as this was not stated he must take the Amendment to be an encroachment, and therefore he objected to it. For these substantial reasons, and in the absence of any declaration on the part of the Government that they meant to reduce the amount of the compensation from, say, seven years to five years, or something of that kind, it was impossible for him to vote for the Amendment the Government proposed. He must take this opportunity of expressing the great satisfaction with which he heard the declaration made by the Prime Minister last evening, which afforded a ray of hope for an improvement in the relations of landlord and tenant in Ireland. The prospect held out was that of a better state of things in twenty years, and that was something for which they could not feel sufficiently grateful. If hon. Members spoke their minds more freely on this subject it would be better for them all; and he wished to take this opportunity of saying that, unless the effect of this Bill was to provide what the French called a *pont d'or* between Ireland and America it would do little good indeed. One subject had been shirked on both sides of the House, and even the Prime Minister had abstained from giving any opinion upon it, and that was that the very root of the evil was the excess of the agricultural population of Ireland. The right hon. Gentleman the Leader of the Opposition had carefully guarded himself against being supposed to look favourably upon the emigration now going on from Ireland? What was really at the bottom of this whole question? Was it not, as we had been told by Irish Members, the frightful competition for the land? An hon. Member from that country described the poor tenants as "miserable creatures." What was the meaning of such terms—"frightful competition for land," and "miserable creatures," as applied to the unfortunate Irish tenants? Was it not that there was a greater number of poor people of that class in Ireland than the country could properly support? He did not mean to say that if we were to cut up the pasture into cabbage gardens, and reproduce the miserable system of living upon potatoes, which was really the curse of Ireland, the country would not maintain a population of 8,000,000 or 10,000,000; possibly, if the people lived on cabbages, the country might support 20,000,000; but was that argument to be advanced in the House of Commons? Were we to treat the country as if it were in an uncivilized state, and as if the great mass of the population were content to live on vegetables which they could raise by means of a few weeks' labour in the year? This would be contrary to the decrees of Providence and the order of nature. It was clear that no large population should attempt to live on so precarious and uncertain a crop. Surely, there had been warning enough in the terrible famine to teach the people better things? Until we could convince the Irish of the folly, of the worse than folly of clinging to the land merely with the view of getting a miserable subsistence out of it, we should do no good whatever by Land Bills. He hoped that one effect of the passing of this Bill would be that it would throw upon the landlords the responsibility of not using the rights they now possess to evict tenants without providing them with means sufficient to secure for themselves a better home in a more prosperous country. This was the chief good he hoped for from the operation of this Bill.

Mr. GLADSTONE said, he was desirous to make an observation, not so much upon the speech of the hon. Member for Berkshire (Mr. Walter) as on the general tone of the debate. He did not mean to complain of the course that was taken; but he had no doubt that many votes were given last night in the minority, and many were forborne to be given in the majority, by Gentlemen, not because they approved of the Amendment then before the Committee, but because of their predisposition against other parts of the Bill. Now he wished to observe that the same latitude which was given to the attack ought to be allowed to the defence. If the Government, on every Amendment which affirmed the principle of compensation for disturbance, were to enter upon a long discussion as to the scale of that compensation which appeared to them proper, progress in the Bill would be impossible. Consequently it would be better that, like men of business, they should discuss each point as it arose. The present had really nothing to do with the sliding scale. The House voted last night substantially that the loss for eviction was to be taken into account, and the degree in which it should be taken into account would remain to be considered when they came to the scale, and then the Government would state clearly and distinctly the principles on which they meant to proceed. At present the Government could only endeavour to meet the objections honestly entertained and ably stated last night.

Lord JOHN MANNERS said, the right hon. Gentleman had taken the unusual course of criticizing the motives of those who last night voted in the minority. ["No, no!"] He said that he believed many hon. Gentlemen voted in the minority last night, not on the merits of the question then before them, but because they looked upon it as a portion of something else that was afterwards to be brought forward. He ventured to protest against anyone—be he Prime Minister or private Member—coming down to this House, after a long discussion and an important Division, and finding fault with Members of Parliament for the votes they had given. [Mr. Gladstone: I found no fault.] The right hon. Gentleman pointed his observations especially towards the hon. Member for Berkshire. Now, he would venture to say, in spite of the right hon. Gentleman, that the hon. Member for Berkshire's obervations were perfectly germane to the matter; for the Government, by their Amendments to the different clauses of the Bill, had so complicated matters that it was perfectly impossible for anybody to discuss any one of the Government Amendments without having in mind the consequential Amendments bearing on the point. He, therefore, held that the hon. Member for Berkshire was perfectly justified in the observations he made in reference to the proposed sliding scale. While the hon. Member for Berkshire was proceeding in the course of his speech some hon. Members appeared to take exception to his line of argument, as though the hon. Gentleman was not confining himself to the Amendment before the House. He would, therefore, be obliged if the Chairman would state what was the particular Amendment before the Committee.

The CHAIRMAN stated that the Amendment was to insert in line 4 of the clause, after "compensation," the words "for the loss which the Court shall find to have been sustained by him in quitting his holding."

Lord JOHN MANNERS said, he thought that hon. Members had some right to complain that the Amendment printed in the Business Paper was not the Amendment to be put from the Chair; because it was impossible properly to consider the Amendments of the Government, if alterations in the Amendments proposed were made without due notice, and without Members being aware of what they were. He agreed with the hon. Member for Berkshire that the Amendment now proposed to be introduced into the Amendment given notice of by the Chief Secretary for Ireland was a slight improvement; but he maintained that they must consider not one Amendment alone, but the whole scope and tendency of all the Amendments. He agreed with his hon. Friend the Member for Lincolnshire (Mr. Chaplin) that, as the Bill proceeded, they found Amendments introduced by the Government having but one object, and that was of perpetuating and stereotyping the worst and most mischievous evils of Ireland in regard to the existing relations between landlord and tenant, and, still more, between the tenantry and the peasantry. He objected to the particular Amendment under discussion, because he looked upon it as the first of a class of Amendments to the Bill, which, as proposed to be amended by the Government, would not prove as permanent, efficient, and remedial a measure as on the second reading they all hoped it would be, and because he believed, on the contrary, that it would have the effect of keeping the agricultural condition of Ireland and the relations between the various agricultural classes in their present unsatisfactory state.

Mr. OSBORNE said, he was not going to trespass long on the wonderful patience of the Chairman of the Committee, who had sat undisturbed listening to a perpetual discussion on the second reading of this Bill, but would confine himself, if possible, to the precise clause before the Committee. However, before adverting to that subject, he must point out to the noble Lord opposite (Lord John Manners), who in private life was most amiable and devoid of all party spirit, but who never got up, even at ten minutes past three o'clock in the afternoon, without proving himself to be a most decided party man, that if, according to the noble Lord's admirable way of conducting business, the Chairman was at the call of any hon. Member to read every five minutes the particular words of an altered Amendment, they would not be able to get through a Turnpike Bill in the course of the Session. His noble Friend must feel on calmer reflection, that such a course of proceeding would be not only undignified and un-Parliamentary, but, if he might use the word, simply ridiculous. What was the Amendment which had created so much warmth? It was simply an Amendment, which at first proposed to insert in the clause the words, "for the loss sustained by him in quitting his holding," and it was now suggested to alter it by making it read, "for the loss which the Court shall find to have been sustained by him in quitting his holding." Two matters were involved in that Amendment. He admitted that "the loss sustained by the tenant in quitting his holding," were most important words, and they were discussed a great deal last night; but the principle had been long before the House. They had heard Gentlemen speak of the marrow of these Irish Land Bills; but the way in which Parliament had been playing at shuttlecock with the matter had made the demands of the peasantry become greater year by year. In twenty years they had had thirty Land Bills, only three of which had passed. Could they, then, be surprised, after all parties in the House, as one after another they came into power, had been alarmed by the fear of disturbance of occupancy in connection with a Land Bill, and after all the hopes which had been excited in Ireland, that now the Irish people were calling for something more than mere compensation for improvements, and that the marrow of the Bill was now looked on in Ireland to be, first, security for tenure, and next, restriction of arbitrary eviction. Why did he support the second reading of this measure? To him there was no ambiguity in the words of the Bill, and he defied anyone who voted for the second reading to say that he did not feel in his conscience that he was voting for the new principle of giving the tenant a right to a certain occupancy. He did not believe that his right hon. and learned Friend the Member for Dublin University (Dr. Ball)—the acutest lawyer that Ireland had, and the man everyone would be the first to retain if he had an equity suit—could come down here and say that he had voted for the Bill in ignorance that it contained this principle. Not satisfied with that, his right hon. and learned Friend wanted them to believe that his respected Leader, the right hon. Gentleman the Member for Buckinghamshire—that that poor innocent voted for the second reading of the Bill quite ignorant that it contained a clause giving compensation for disturbance. This might be very Parliamentary—it might be good for the amusement of a night—but he wanted to know what the people on the other side of the water must think of it. What was described as a novel principle, the Member for the University of Dublin and all Members connected with Ireland knew was a very old principle. It was universal in the South of Ireland. The right of occupation was so far recognized that no man ever thought of getting rid of a small tenant without paying his passage, perhaps to America. He would not now discuss the scale; but, however it might be regarded from the English or Scotch point of view, however it might be regarded by some as unsound in theory or, possibly, perilous in its provisions, he still maintained, from accurate knowledge of Ireland, and from his experience in farming largely, that this Bill, or something like this Bill in this particular clause—and the measure would be worthless without it—was not only a necessity for Ireland, but was unavoidable. No Land Bill would give any satisfaction or hold out any hope to the Irish people without such a clause; and yet hon. Gentlemen got up, and thought by talking out this question, they would be able to crush it. There was some danger involved in this question. They had been putting it off for twenty years—holding out hopes in regard to it, especially when out of Office. ["Hear, hear!"] Yes; they had seen wonderful changes in the views of right hon. Gentlemen when in and out of Office, and, not the least wonderful, they had seen all the elements of political economy flung overboard by the right hon. Member for the University of London (Mr. Lowe), and he doing penance for his former sentiments. It was quite extraordinary what effects the disturbance of occupation had produced on right hon. Gentlemen. He rejoiced to hear the speech of his right hon. Friend the Chancellor of the Exchequer last night, for it showed that he had not only been attending to the finances but to the peace of the country, and he said that this Bill, so far from being what it was represented, contained elements of being a Peace Preservation Bill. They heard of new principles; but he had heard those new principles from every Minister on coming into Office. Why, the famous Bill of 1852, the joint production of three great Conservative statesmen—Sir Joseph Napier, Mr. Whiteside, and Lord Mayo—contained a clause giving the tenant the right to compensation for twenty-five years retrospectively. [An hon. Member: That was the blot of the Bill.] The hon. Member for the county of Wicklow (Mr. Fitzwilliam Dick) was one of those Gentleman who at that time sat with his knees in the back of the Prime Minister, and he remembered his sonorous cheer even at this time of day; and it was rather stealing a leaf out of the book of the Liberal party. And what was the fate of that Bill? The noble Lord (Lord John Manners) was a party to that Bill, and at that time he (Mr. Osborne) was very near coming over himself, and joining the hon. Member for Wicklow. The principle of that Bill was sanctioned not only by that Government but by three successive Ministries, and by great majorities of the House of Commons; but it was put to rest in the House of Lords. For eighteen years they had been sleeping upon it, and then they seemed surprised if the people of Ireland, like Oliver Twist, asked for more. He was only surprised, considering the indifference with which the subject had been treated, that there had been so little agitation in regard to it. The hon. Member for Lincolnshire (Mr. Chaplin)—and he congratulated the county Members of England that they had got one of their number who spoke so well and thought so profoundly—talked of looking at this question from an English point of view, and wanted that English institutions should be introduced into Ireland. He did not agree with his hon. Friend. The Irish institutions were excellent for their purpose, though no doubt they would be all the better for a little more English money. On this point he would quote to the House an extract from a speech delivered many years ago on this importation of English customs into Ireland. The speaker said he believed it was the greatest fallacy to talk of Ireland having an identity of institutions with England. Surely they had given Ireland enough of those institutions, and more than enough. Hon. Members asked for identity of institutions, while the primary and most important of all these institutions differed from England. The greatest curse to Ireland was the identity of these institutions with England, and the sooner they got rid of them the better. That was a speech made many years ago; but it showed a more intimate knowledge of Ireland, expressed in more eloquent language, than he had ever heard. It was the speech of the right hon. Member for Buckinghamshire. Freedom of contract was a myth in Ireland. It was as little applicable to Ireland as the right hon. Gentleman the Chancellor of the Exchequer now found political economy to be. The small holder had no freedom. The poor tenant was ready to offer everything, and they must protect that man. It might be contrary to the principles of political economy or other economies; but such was the state of Ireland that they must legislate for the protection of the small tenant. Ireland, he said, was a country for small not large tenancies, and he never wished to see the consolidation of farms; but he wished to see Ireland on the road to prosperity, and he would support this or any other Ministry that brought in a Bill framed in this spirit, and would support them all the more that it was to be opposed in a spirit which he thought was not likely to give satisfaction to the people of Ireland.

Dr. BALL said, he was rather glad of some allusions made to a former debate by the hon. Member for Waterford (Mr. Osborne), because it would enable him to do justice to the right hon. Gentleman the Chief Secretary for Ireland, to whom he was afraid, speaking hastily, on a former occasion, he had done some injustice, and in reference to whom he might have been understood to suggest that his original speech did not apprise the House that the Bill contained the principle of damages for eviction. He had since read over the speeches both of the right hon. Gentleman and of the Prime Minister, and he would tell the House how the case stood. On the second reading his right hon. Friend the Chief Secretary for Ireland in his speech used, in reference to this clause, the phrase "compensation for the loss of occupation," and undoubtedly described capricious eviction as intended to be followed by pecuniary consequences and pecuniary results. He (Dr. Ball) happened, in the order of speaking, to follow, and ventured to express the opinion, which he still retained, that, though that might have been the intention of the framers of the Bill, it was not carried out in the words of the 3rd clause. The language he originally used was, that when the clause directed to have regard to compensation for improvements, other than permanent, and loss sustained by a tenant in quitting his holding, the clause pointed to every conceivable circumstance of inconvenience except the mere fact of eviction. No contradiction to that interpretation was given; but when the right hon. Gentleman at the head of the Government came to reply he evidently felt that there was some ambiguity existing, for he then stated that he would consider how he could sever compensation for improvements from damages for eviction. He admitted that the right hon. Gentleman, when thus intimating his intention to bring forward an Amendment, had used the words "damages for eviction." If, therefore, his (Dr. Ball's) words conveyed the suggestion that the Secretary for Ireland in his speech had put forward one view, and another in his Amendment, that was an incorrect suggestion, and not in accordance with what had occurred. The objection, however, which he (Dr. Ball) entertained to the principle put forth, whether propounded in the speech or contained in the Amendment, remained the same. The alteration made by the Prime Minister no doubt met one serious objection made to the Amendment as it originally stood; but it did not meet the objection founded on principle. The words as they now stood would indicate to the mind of the Judge that there was no necessary connection between the numerical standard of value and the fact for which compensation was being given, so as to make these always indissolubly connected. He conceded that to the Government, and admitted that the Amendment in its present shape was a decided improvement. But his main objection to the proposal remained; and if he had erred in his original interpretation, and in the course which he was now taking, he must say that he was fortified by the speech last night of the right hon. Gentleman the Chancellor of the Exchequer; for, while the Prime Minister had plainly used the words "damages for eviction," and the Secretary for Ireland, not being a lawyer, had not used the precise phrase, but had used other words having precisely the same meaning, the Chancellor of the Exchequer, who had practised at the Bar and was thoroughly acquainted with legal terms, stated in the plainest way that the Government did not give damages for eviction, and proceeded to state what it was that the Government proposed to give compensation for. [Mr. GLADSTONE: He said they were the same thing.] He (Dr. Ball) did not admit that they were the same thing, and consequently claimed the Chancellor of the Exchequer as agreeing with the views which he himself entertained. The words of the right hon. Gentleman were—

> "We have not, however, treated eviction as a wrong, nor have we given damages for eviction. We have given compensation—which is of course the same thing as damages, one being the Latin and the other the English form of the word—to any person for any loss he shall sustain in quitting his holding. But we have not imposed an arbitrary fine."

Surely that statement was not consistent with other declarations of the Government, to the effect that what they were giving was not so much compensation for loss sustained, as a sort of fine to prevent capricious evictions—a penalty founded on the very fact of the termination of the tenure? It might be said that this was a subtle distinction; but the views of the Chancellor of the Exchequer all proceeded in the same subtle direction, and in his reasoning, from first to last, he particularly guarded against its being supposed that an act of eviction *per se* demanded a pecuniary fine. He contended that the words now used, making the loss sustained by quitting a subject of compensation, applied, as a matter of fact, to mere termination of occupancy. To that principle he could never give his assent. But his position was strengthened by what he had heard, namely—that a provision was to be introduced in connection with the 3rd clause, suggesting twenty years as *primâ facie* the period of their duration. That was an additional objection to bringing forward the Amendment now before the Committee. If the restraint on contract was to be temporary, what was required was to produce an immediate pecuniary result — to allow the tenants to remain for a period, to assist them to emigrate, or in some way or other to benefit their condition. If that was the motive, why not leave the words as they originally stood in the clause—namely, having regard to other than permanent improvements or the loss sustained by the tenant in quitting his holding. Leaving the words in that form the Government would not thus have been ostentatiously putting forward a new principle governing the relations of landlord and tenant. Even if the principle had been there all the time it would have been concealed, and its deleterious character neutralized by other ingredients. To borrow a classical allusion, the right hon. Gentleman might originally have had a sword in his hand against the landlords, but it was sheathed in myrtle. The barrister or Judge acting under the section, as it originally stood in regard to improvements and the ambiguous phraseology as to loss for evictions, would have given a pecuniary amount corresponding to the aggregate values of all these considerations, and the mind of the recipient of the money would not detect lurking in it the principle that was now brought forward so ostentatiously. It was not to be supposed that the Judge would have given less on the old words than on the new words. Whatever maximum the standard might be, it was shown that it was not intended to be inflexible even as connected with eviction or disturbance. This showed that the Judge would still have the opportunity of bringing all the considerations together to produce the result of pecuniary benefit to the tenant. The same object of pecuniary benefit would have been attained without bringing forward in this manner the dangerous principle expressed as damages for eviction; and all this was done, not to assert a great political or economical principle, but for a temporary purpose, which another mode of producing the same pecuniary compensation would have equally effected. What useful object was attained in bringing forward this principle so ostentatiously, and stripped of every disguise? He maintained that it endangered the safety of the measure, and would excite feelings against it in "another place." By way of illustration, let him refer to what had occurred last year, when an abstract principle was put forward without any disguise. The Irish Church Bill was introduced with the Preamble containing this abstract proposition, that the surplus of the property should not be applied to the maintenance of religious worship or of ministers of religion. That declaration on the face of the Bill was utterly unnecessary for every purpose of legislative enactment; and what was its ultimate fate? That single abstract proposition occasioned conflict, even among Members of the right hon. Gentleman's own party in the House of Lords; and in the Preface to his Book lately published by Earl Russell, he selects that very passage for comment, and says of the majority of 78 who expunged that passage from the Bill, that by them and by their expunging this restriction on the application of the surplus a great treasure had been saved out of a shipwreck. What might be the effect again? The right hon. Gentleman persisted in forcing on the House this abstract Resolution, without qualification or mitigation, openly avowing a principle which was directly opposed to the Report of the Committee presided over by the Marquess of Clanricarde, on which Earl Grey, two Cabinet Ministers, and two ex-Chancellors sat. Yes, it would be found that the principle now put forward was neither more nor less than a declaration of hostility to a Report drawn up by Lord Kimberley, and unanimously signed by these great men. Its assertion in the Bill, undisguised and unqualified, was calculated to challenge a collision with the authors of that Report. He urged the Prime Minister to reconsider his determination to insist upon this Amendment, standing in this plain form, unsurrounded and unqualified by anything else, and to restore the words of the clause as they stood originally.

Mr. W. H. GREGORY said, they had often seen men employed in throwing dust into other people's eyes; but the right hon. and learned Gentleman (Dr. Ball) had been engaged during the whole of his speech in throwing dust into his own eyes—a curious reversal of the ordinary process. On the occasion of the second reading of the present Bill the right hon. and learned Gentleman said he would support this particular clause under discussion if its intention was described as a scheme for the "payment for disturbance in an agricultural plan," but that he would have nothing to do with it if it was called "compensation for eviction." There was no difference between the two things except the difference in phrase; and, for his part, he maintained that if the clause was omitted they might as well throw Bill and Amendments into the fire. Now, what was the real objection to the clause? Did anyone think that the tenant ought not to have some compensation for his expatriation or the workhouse? The real meaning of the opposition to this clause, no matter how it might be disguised, or attempted to be disguised, was that hon. Members were afraid of anything like this principle being acknowledged, lest it might be quoted against them with regard to England, Scotland, and Wales. It was not tenderness for the Irish landlord, but tenderness for themselves. He had no fear of the kind, but would be one of the first to advocate such an application if the circumstances of England, Scotland, or Wales demanded it as imperatively as he conceived the circumstances of Ireland to do. It was asked what benefit this clause would confer upon the tenants, to which he would reply that not only would the tenants, when actually evicted, benefit by the clause, but its operation would have a tendency to put an end to the numerous forms of tyranny which bad landlords were enabled to practise under cover of a "notice to quit." He knew instances in which, under a threat of a notice to quit, tenants were obliged to make their purchases in the shops of their landlord, to cut his corn, to dig his turf and potatoes. The clause would put a stop to that kind of tyranny. That, in the first instance, the right hon. and learned Gentleman knew the meaning of the clause perfectly well was clear from what he said as to his accepting the principle of compensation for the "disturbance of an agricultural plan." Surely no one could imagine that any agricultural plan of any duration could be carried out on a small plot from which a peasant managed to raise a few potatoes. The larger farmer might have a plan. To be logical, therefore, the right hon. Gentleman would on eviction give compensation to the large farmer who might not require it, because he might have a plan; but he would deny it to the poor man of a few acres, to whom it would be a matter of life and death, because he could have no plan. Surely such an argument was too subtle in the first place, and too absurd in its consequences to be accepted by the House. He (Mr. Gregory) regarded this clause as the cardinal and pivot-point of the Bill, and hoped the Committee would pass it in its integrity.

Mr. CORRANCE said, the alteration which the right hon. Gentleman the First Lord of the Treasury had proposed in the clause would render it unnecessary for him to move an Amendment of which he had given notice. He must say, however, that he should have preferred to have seen the word "any" in the Amendment, before the word "loss," in preference to the word "the," as that would have given the Court a more extended power in calculating the amount of compensation to be awarded. He hoped the right hon. Gentleman would be able to accept and act upon this suggestion.

Mr. DELAHUNTY believed that the question of compensation for disturbance of occupying tenants-at-will to be the vital part of the measure. Without that the Bill would be worthless, and if it did not embrace that clause it ought to be withdrawn. As representing a very important constituency, and as a practical man, he begged to say that, unless hon. Gentlemen on both sides of the House combined to make the Bill worthy of a concession to Ireland, they would only aggravate the evils under which that country was now suffering. No man had had more experience with respect to the tenantry of Ireland than himself, because he had been intrusted with the management of 700 or 800 holdings in the counties of Tipperary, Waterford, Kilkenny, Queen's County, Cork, and Wexford. In all his experience of the management of property he had always had this feeling—that whenever he could get a fair rent for the land he had to let, he would be perfectly satisfied to give a tenant the longest term of holding he could, because the securing of such a tenant was an inducement to improvement. That was the way in which every landlord should act. Ireland, to be prosperous, must be governed with equal laws as compared with England in other respects than as far as the land only was concerned. As matters now stood the Irish people had only the land to depend upon, and the question which the Committee were discussing was not whether they should try to bring back trade and manufactures to that country, but to regulate the laws under which there was a scramble for the land. Unless, however, England should make up her mind to deal with Ireland in a different spirit, the day would come when Ireland would be separated from this country altogether. [*Ironical cheers.*] He told them that would be so, and he gave them fair warning. He wanted a lasting and real Union, instead of a false and hollow one. The population of Ireland at the time of the Union was, according to its area, almost as much as the population of England; for the area of England, as compared with Ireland, was as twenty to twelve, while the population of Ireland, compared with that of England, was as eleven to twenty. Now, however, the population of Ireland, under the same comparison, was only as five to twenty-two, in consequence of the persistent misgovernment to which she had been subjected, and to the attempts which had been made to destroy her manufactures and her prosperity, leaving her only her miserable land; and surely it could not be a blessed Union which had brought about such a result. The farmers of Ireland did not exceed in number the shoemakers and bootmakers of that country, and they were only about twice as many as the washerwomen. Depend upon it, England must find out some other way of governing Ireland than furnishing her continually with Coercion Bills. In making these remarks, it must not be supposed that he did not give every hon. Member in that House credit for being anxious to serve Ireland. No one, he knew, was more anxious to serve her than the right hon. Gentleman at the head of the Government. The right hon. Gentleman had taken the right course for displacing the grievances of which Ireland complained; but if he disposed of the land this year, he would have to deal with the manufacturing question next Session, and there ought, therefore, to be no impediment thrown in the way of his carrying this measure through Parliament. He (Mr. Delahunty) should be glad to see the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) imitating the example of the Prime Minister in endeavouring to promote the prosperity of Ireland; if he did so, the right hon. Gentleman might depend that he would have his knees at his back as well as those of the hon. Member for Wicklow (Mr. Fitzwilliam Dick). He was sorry, however, to find that the right hon. Gentleman, in a speech which he made at Aylesbury, in 1868, had spoken of the famine as having been a great blessing to Ireland. ["No, no!"] At all events, the right hon. Gentleman was reported to have said so. And as the right hon. Gentleman was present, he could contradict the statement if he chose. In the course of that speech, which was addressed to the right hon. Gentleman's constituents at Aylesbury, he declared that "Ireland contained more inhabitants per square mile than any other country in Europe," which was not true, for England contained more in proportion. The right hon. Gentleman went on to say that the Irish had been reduced to a condition in which they were without shelter, almost without food, and almost without clothing; but that since the famine they had had better shelter, more food, and better raiment. Some one in the crowd then called out—"Three cheers for the famine!" to which the right hon. Gentleman replied—"You have given three cheers before this for things that have not done so much good as the famine." If that was not saying that the famine was the best thing for Ireland—why, *nabocklish!* He wished to impress upon the House that they could rule Ireland with a silken thread if they chose; but no effort of coercion or injustice would prevent that country from breaking her bonds whenever she could, and the day would not be far distant when she would do so if she was not treated as an integral portion of this country, like Yorkshire. If the people of Ireland had lost their platforms for labour, and if the population of that country had been brought down to 8,000,000 less than it should be, it was the fault of this country, and this country ought to see what it could do to give employment, and peace, and prosperity to the Irish people.

MR. CHICHESTER FORTESCUE: Having listened with great pleasure to the speech of my hon. Friend the junior Member for the city of Waterford (Mr. Osborne), I should have been sorry to have stood in the way of the hon. Gentleman the senior Member for that city (Mr. Delahunty), who has expressed to the House many sound and excellent sentiments, especially in reference to this Bill. But I rise now for the purpose of noticing what has fallen from my right hon. and learned Friend the Member for the University of Dublin (Dr. Ball), and I should be sorry not to express my sense of the extremely fair and candid way with which he has dealt with former expressions on the subject of this Bill which have fallen from my right hon. Friend at the head of the Government and myself. What he has said has been marked with great candour, and I think it very much clears the issue between us to-day, because it gets rid of the imputation of inconsistency, or change of tactics on the part of the Government, which, as has been now fully admitted, is entirely without foundation. My right hon. and learned Friend admits that the Government have from the first, in framing this clause, attempted to provide compensation for loss of occupation on the part of the Irish tenant, independent of the question of improvements; whether my right hon. and learned Friend chooses to call it payment for the loss of occupation, or damages for eviction, or any other equivalent phrase, is to me an entirely indifferent matter. If my right hon. and learned Friend can agree with the Chancellor of the Exchequer on that subject I shall be quite content. The Chancellor of the Exchequer's criticisms were nothing but verbal, and he entirely agrees with his Colleagues, as, indeed, he showed last night in the proposals made by the Cabinet to the House. My right hon. and learned Friend noticed a phrase which fell from the Chancellor of the Exchequer, as though it were inconsistent with our interpetation of this clause, when he said that the clause imposed no arbitrary fine on an evicting landlord. But, surely, that means that there is no one absolute sum laid down by this clause which under all circumstances would impose a fine upon the landlord and represent the payment to the tenant. The Chancellor of the Exchequer meant that that amount would be left to the discretion of the Court, which would judge according to all the circumstances of the case under this clause and under the Equities Clause, which will be found in another portion of the Bill. The question, however, between my right hon. and learned Friend and ourselves is this —whether or not this Bill should contain, over and above the compensation for improvements, any compensation for the loss of occupation or damages upon eviction; and my only quarrel with my right hon. and learned Friend would be that he did not from the first take that decided line against the principle of compensation for the loss of occupation that he has now taken up. But our position is now, by universal consent, clear and distinct. We contend now, as in reality we have always done, that under the circumstances—the exceptional and dangerous circumstances — of Ireland, a mere system of compensation for improvements would not meet the necessities of the case; that when we have to deal with a bad and false system, which has to a great degree checked and prevented the improvements of the tenantry of Ireland, such a mere provision of compensation for improvements would be insufficient, and that the best and fairest mode of getting that security for the Irish tenant, which is the great object of the Government, is the proposal contained in the Bill. But my right hon. and learned Friend finds fault —and I think upon very strange grounds —with the Amendment upon the clause now offered on the part of the Government. He objects to the proposed form of the clause because, somehow or other, it makes the principle of compensation for the loss of occupation more distinct and apparent than it was before. But we are not ashamed of that principle;

we have never concealed it, and we do not wish to conceal it. We did include under the scale, along with the question of damages for eviction, the consideration of certain improvements, not the most important and prominent, which were always outside the scale, but minor improvements which were intended to be within it. Further consideration has shown us that the clause, as originally drawn, was in this particular a mistake; we have come to a very distinct conviction that a scale with a maximum was totally unfit to be applied to the question of the value of improvements, and we have preferred to treat that separately, and to leave the court to its discretion under the scale with respect to damages for loss of occupation, dealing with each case according to its own circumstances. My right hon. and learned Friend regrets that that principle is not now to be wrapped up, as he says it was, in the original clause. He says we have now an undisguised compensation for the loss of occupation. Well, we did not know that it was disguised before — at all events, it was disguised to very few eyes indeed; but if it be now more clear and open, I can only congratulate ourselves the Committee upon the fact, because that was our intention at starting. Availing himself of a graceful classical allusion, my right hon. and learned Friend said that at first the sword was shrouded with myrtle, whereas now it was bare. I will only say that, if this clause is a sword, I prefer that it should be bare and open to the eyes of the world. But, for my own part, I do not call it a sword; I regard it rather as a shield on the part of the tenant—a defensive weapon, which cannot be used for attack; and viewing it, therefore, as the best protection for the tenant-farmer of Ireland which, under the circumstances of the country, can be safely placed in his hands, I confidently recommend the clause in its present form to the Committee, and I trust the Committee will now come to a division upon it. There is no principle involved in the question we now have to decide, which was not discussed and decided last night; and, under those circumstances, I think the Committee will agree with me that it will be far better, for the progress of business, to come at once to a decision upon it.

Mr. HENLEY: I cannot enter into the wish which has just been expressed by the right hon. Gentleman opposite (Mr. Chichester Fortescue), that this discussion should now close. I must be allowed to say that I think we all of us have great reason to complain of the difficulty which the Government have placed us in. The right hon. Gentleman himself last night told us that this was a novel principle; the hon. and learned Member for Richmond (Sir Roundell Palmer), who sat behind him, said it was something more than novel so far as the retrospective part of it went. But let that pass. It was argued that this Bill was to be a means of applying a penalty for arbitrary or capricious eviction. The Government, in the first instance, brought up a clause with this principle, whatever it may be, mixed up with improvements. I can see the difficulty, and I can well understand why that was so brought up. They will not admit a right of occupancy — they shrink from that; they have not the courage and the manfulness to do that openly, and they therefore endeavour to do it by a side-wind. They attempted, in the first instance, to cover it by the word "improvements;" and now, when they find that it is necessary to conciliate certain parties who will not be satisfied with that, they strike out improvements, and we are left to arrive as we can, or, what is much nearer to the truth, to leave it to litigant parties in Ireland to find out by expensive litigation what it is that they are to be compensated for. That is the position in which we are about to leave the people of Ireland. No two persons who have spoken in this debate are at all agreed as to what the "loss" will consist of. The hon. and learned Gentleman who spoke last night said it was altogether illusory, while the Secretary for Ireland seems now to find fault because a right hon. and learned Gentleman on this side (Dr. Ball) has not been able to define it. I should like to know what the loss is if it is not the right of occupation, unless, indeed, it is loss on account of improvements or some such matter. The Government say it is to be a penalty for capricious and wrongful eviction; but I think they are bound to lay down some guide for the courts of law in Ireland as to what is to be called caprice and what is to be called wrongful eviction. It is very easy to use tall talk, and to speak of capricious and wrongful eviction; but when you come into a court of law, and have a money value put upon it, it is not so easy then to arrive at exactly what it means, and the courts of law in Ireland have had no help from any debates in this House. But is this the only difficulty in which we have been placed? We first had a clause with this novel principle, as it has been called, excluding greater improvements, but including everything short of building and reclamation, and a certain money value was attached to that by the Government. A great deal has been said about the loss sustained by Irish tenants and the wonderful improvements they have made. I should very much like to know, Sir, how it is that after the improvements have been cut out of the clause the compensation to be given to the tenant is very much higher. How is it that he is to receive more for not having effected improvements than for having effected them? That, Sir, I humbly confess, appears to me to be a very strange procedure. It is introducing a very novel principle, and I say that, before making such a proposal, the Government ought thoroughly to have made up its mind what it really intended to do. Instead of doing that, however, it has been patching up the clause bit by bit, until we do not exactly know where we are standing in the matter. There is no hon. Member who can give a definite opinion as to the meaning of it. We are told that the compensation is to be for capricious evictions. But what, let me ask, is capricious evictions? If such a scheme is carried out, I can foresee nothing but endless litigation and confusion among tenants. One speaker, who has recently addressed us, has told us that Government is only getting into the path of Irish improvements, and has hinted that this Bill is but the forerunner of many other so-called improvements. I wish the Bill had been more definite, so that it could have been understood; but I cannot foresee, and no one whom I have asked can tell me, what will be the effect of any one of these clauses.

Sir GEORGE COLTHURST, differing from several landlords on his own (the Liberal) side of the House, desired to express his opinions before the Committee divided. He supported the second reading of the Bill because, after perusing it and hearing the statement of the Prime Minister, he felt satisfied that, if it were not carried through the House in all its integrity, it would yet be passed in the spirit in which it had been conceived and introduced. But after agreeing to the second reading he was surprised to find on the Paper two Government Amendments, which altered the whole complexion of the Bill. One of these gave compensation for occupancy separately from compensation for improvement; and the other proposed the omission of the 16th clause, which was more or less a boon to landlords, for it empowered them to give a thirty-one years' lease, subject to the approval of a court, giving the tenant subsequent power to make a claim for permanent building and improvement of the land. The latter was a vague term, and was not altogether a boon; but still he should have been glad if the clause had been left, and he should have, by all means, to contract himself under the provisions of the Bill. By striking out the 16th clause, the Government had taken away almost every privilege which a landlord possessed under the Bill, and by the alteration of the 3rd clause it was sought to impose pains and penalties upon him for doing what he liked with his own. It was a very strange fact; but before the Amendments of the Chief Secretary for Ireland were upon the Paper, he saw in the Dublin *Freeman's Journal* a statement from a correspondent in London that the Amendment now before the Committee was to be moved by the hon. Member for Kilkenny (Sir John Gray), and that the Government Amendment to the 16th clause was to be moved by the hon. Member for the King's County. That appeared rather suspicious. His (Sir George Colthurst's) opinion was that Government would have adopted the better course had they allowed the Amendments to be moved by those who first put them upon the Paper. He could not support the clause even as amended by the Government. He believed the Government were attempting a grievous wrong upon the Irish landlords. He trusted that while the Bill was in Committee the Government would not adopt any other Amendments which might be placed upon the Paper by those who called themselves "the Eleven of Ireland." He trusted that the innings of those gentlemen would be a short one. If the Government pursued the course they had embarked upon—if they adopted Amendments which interfered with the rights of property, their Bill, instead of giving stability to the Empire, would only bring ruin and disaster.

Colonel BARTTELOT said, that as the provision now under discussion was the most important in the Bill, he thought the Committee had a right to expect from the Prime Minister and the Chief Secretary for Ireland a clear and distinct statement of the reasons which had induced them to adopt the principle that simple occupancy was entitled to compensation. This movement on the part of the Government, according to one view of the case, meant that evictions were so often resorted to by the landlords that it was absolutely necessary to afford security to the tenants. Although the hon. Member for Galway (Mr. W. H. Gregory) had said that, upon occasions of this sort, Englishmen only endeavoured to throw dust in the eyes of Irishmen, he, as an English representative, stood up for what he believed to be right and just on behalf of the Irish landlord as well as the tenant. He therefore demanded from the head of the Government what his intentions were in introducing the clause under debate? With regard to the argument based upon evictions, it was a somewhat remarkable fact that the Report of the Poor Law Commissioners in Ireland declared that evictions were much fewer than they used to be, and that in most parts of the country they had entirely disappeared. From another authentic document it appeared that the number of evictions in all Ireland was very small, being one in 1,200 holdings in Ulster, one in 4,269 holdings in Munster, one in 3,245 holdings in Leinster, and one in 2,694 holdings in Connaught. That being the case, he should like to know whether the argument of evictions was a sufficient argument for having recourse to such an extreme Amendment? Let them put it in any way they pleased, it was an interference with the rights of property. Unless such a procedure could be justified upon some stronger ground than had yet been mentioned, he maintained that the Committee would be doing a grievous wrong in sanctioning it, and all who failed to oppose it would be guilty of a dereliction of duty. It was this very principle of interference with the rights of property, which he held that the Bill contained, that had prevented him voting for its second reading; and that was the reason which made him object to this clause. The right hon. Member for the University of Oxford (Mr. G. Hardy) had already quoted part of a speech of the Chancellor of the Exchequer upon the subject, and in another passage in that speech the right hon. Gentleman said—

> "I have sat on several Committees of this House to investigate this question, of the land in Ireland, and it has never been my fate to hear a single case of grievance or ill-treatment of a tenant alleged, with dates and circumstances, so that it could be verified. I sat on a Committee with the noble Lord the Chief Secretary for Ireland; he will recollect we heard many witnesses against the landlords, but there was not one fact adduced to bring the charges home."—[3 *Hansard*, cxc. 1488.]

That was the language which had been made use of in that House by the Chancellor of the Exchequer, and he therefore called upon the head of the Government to give them his reasons for adopting the extreme proposal embodied in the Amendment. He had said that there were not many evictions in Ireland; but he would go a step further, and declare that what evictions had occurred upon the small holdings had proved beneficial rather than otherwise to Ireland. He himself knew of an estate which had no less than 5,500 tenants in the year 1837, but which number was reduced to 1,500 at the present day. That was certainly a large decrease, but no hardship had been inflicted. All the tenants were compensated: their passage paid to other places, should they have wished to emigrate, or comfortable cottages provided for them as labourers on the estate. This diminution, instead of being detrimental, had proved otherwise. He had no hesitation in declaring that the estate, with its reduced number of tenants, was in a far better condition, and doing far more for the good of Ireland, than it was when it had the larger number of miserable tenants or squatters living upon it. But what were the Government going to do by their clause? They were going to enable men who had money to evict their small tenants for a certain consideration, and thus get rid of them. He did not mean to say that even that would do any harm to Ireland; but let the Government look the position in the face, and do not let them turn round afterwards and say—"It is not what we intended." There was a party in Ireland—he might as well name them, they were the priests—whose business, duty, and wish it was to keep up the small impoverished holdings, because they made money out of the miserable people. It was not, however, for the benefit of Ireland that these small holdings should be perpetuated. A more miserable state of affairs could scarcely be imagined than to see a number of these small squatters taking possession of the land; and if a penalty hung over the landlords for dispossessing them, those that could not afford it must allow them to continue in the impoverished and wretched condition they had been in for generations — they would go on multiplying and subdividing, and they would impede the progress of the country. Only those who had had practical experience of Ireland could really tell how undesirable such a condition of things was. He himself had been in Ireland during the famine of 1846-7. At that time crime was very rife, but it was stamped out with an iron heel, Government at that time being determined to show the Irish people that they would be just as well as merciful; and in consequence of the executions and other punishments which then took place, Ireland had remained tranquil for twenty years afterwards, and had increased in wealth and social and political influence. ["Oh, oh!"] He did not forget what had happened recently; but it was not necessary for his purpose that he should now advert to it. He held, however, that if they did what was just and right to tenant and landlord alike that they would not have to deplore such occurrences. The men who honestly, manfully, and courageously did their duty were not the men who were shot. Those who were murdered in this way were rather the men who could not make up their mind to pursue a straightforward and bold course — to do their duty in fact. He hoped the Committee would not adopt the Amendment, for he did not believe it would do what the Government anticipated, but would work irreparable mischief.

Mr. SAUNDERSON said, the question deeply affected him as an Irish Member, and in its success or failure his future prosperity was involved. He would like to ask the Committee what course the Government ought to pursue in order successfully to legislate for Ireland in her present condition. All men were agreed that there was one part of Ireland where life and property were both sacred; and all men were further agreed that there was a necessity of something being done to put an end to the unhappy state of affairs which prevailed in the other parts of Ireland. This being so, it was clearly the course of the Government to strive to satisfy that part of the country which remained discontented, and this could only be done by dealing with the land. Hon. Gentlemen from the North of Ireland were aware that what was called a novel principle in the Bill was old in Ulster; and though the right hon. and learned Member for Dublin University (Dr. Ball) had made the sudden discovery that a new principle had started into being in the Bill, for his own part he had always been under the impression that a provision for the security of tenure was in the measure, and he believed that if that principle were taken out of the Bill it would be of no value to the Irish people. The Government had only three courses to pursue in order to satisfy the claim made by the Irish people for security of tenure. One course was to establish perpetuity of tenure; but he was opposed to that, because it would place the Irish landlord only in the position of the recipient of a rent-charge. The next course was to establish the Ulster custom throughout Ireland; but he thought it would have been most fatal to spread the Ulster custom all over the land. Such a proceeding would cause dissatisfaction to those who did not happen at the present moment to be tenants, and would give an unwarrantable boon to all those tenants who lived in Ireland under the old customs. Then there remained the course which the Government had pursued of making it an expensive amusement to evict for any other reason but non-payment of rent. As regarded the Bill generally, he did not mean to say that it was a logical Bill. The Chancellor of the Exchequer did not consider it a very logical measure. He (Mr. Saunderson) had listened with great commiseration to the speech of the right hon. Gentleman on the previous evening. That speech reminded him of what he had often seen in the hunting field. He had frequently seen a well-bred, plucky horse, with too much load on its back, galloping over deep, sticky ground till it was brought suddenly up, and remained dismally wagging its tail to notify that it had had enough of it. That was the position in which the Chancellor of the Exchequer seemed to be. He had heard it objected that there was no certainty that the propositions of the Government would insure peace and prosperity to Ireland. Without pretending to be a prophet he might say that, in his belief, the measure would, at any rate, give satisfaction to one class in Ireland; though it would not give satisfaction to the Cork Farmers' Club, it would satisfy the great majority of the reasonable tenants of Ireland. He knew something about these Farmers' Clubs, and could state that they were got up by political demagogues for their own ends. Ireland was divided into two classes—the reasonable Irishmen and the unreasonable Irishmen; and both those classes were represented from time to time within the walls of that House. The reasonable Irishmen would receive the present measure in the spirit in which it was offered. They would accept it as an honest effort on the part of the House of Commons to do justice to Ireland in answer to reasonable demands. The unreasonable Irishmen, on the other hand, were men to whom Providence had not given that mental hook on which it was possible for an Englishman to hang a just inference. The Members of the Legislature would not be able to satisfy them, for they legislated against them and not for them, and by the help of Providence they would put their heel on them. In conclusion, he expressed a hope that the proposal of the Government would be accepted by the Committee.

MR. GLADSTONE: If my right hon. Friend (Mr. C. Fortescue) thought that any impatience was manifested for the termination of the debate, that impatience was owing to the sentiment that more light would be thrown on the nature of our proceedings, and that more practical discussion is likely to arise on the point at which we shall next arrive than on the point we are now engaged in debating; because, when we come to consider the measure of compensation to be given for eviction, we shall arrive at a stage next to that which we virtually achieved last night. The right hon. Member for Oxfordshire (Mr. Henley) has put the pointed question to me, whether I will not explain to the Committee what we mean by loss to the tenant. The right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball) has also referred to the subject, and argued it with a candour and fairness to which we are far from being unused in this House. Sir, I thought when I was listening to the right hon. and learned Gentleman that our debate was more verbal than substantial. The right hon. and learned Gentleman says he is willing to recognize losses attendant on eviction; but not to recognize the principle of placing a fine upon eviction itself. He says we have no right to look upon eviction alone, but in connection with a loss of a positive kind. I am not aware that in the proposition there is anything to which I demur. It is not the abstract act of eviction that we wish to put down. We cannot adopt the doctrine of the hon. and gallant Member for West Sussex (Colonel Barttelot). It was only a secondary point in his argument that facilities should be given for hanging. The real point of his speech was, that facilities should be given for eviction, and that eviction was the measure on which the happiness of Ireland was to be wrought out. The hon. and gallant Gentleman referred to an instance which had occurred on an estate well known to him, where 5,500 miserable tenants had been reduced to 1,500, and where happiness now reigned over the smiling scene. I do not pretend to be able to reconcile our arguments or our proposals with the views of these Gentlemen, and I avow at once that they are wide as the poles asunder. We object entirely to these forced consolidations of estates, and to the carrying out of a system in disregard of the fact that there is a population upon the land, and that the rights of that population to a subsistence, where they are willing to discharge their duties in labouring for it, ought to have an equitable consideration. The loss is the point we have endeavoured to explain. I cannot explain it better than it was explained by the hon. Member for Carlow (Mr. Kavanagh). What is the greatest of all loss to a man? To lose his improvements is something, to lose his future profits is something; but what is the greatest loss to a man? To lose his daily bread—to lose his means of livelihood. That is the loss in respect of which he ought to be protected. If, having the means of livelihood, on being put out of his holding he finds himself in a country where, under his present circumstances, he cannot obtain other means of livelihood; if, as the hon. Member for Carlow says, his only alternative is emigration or the workhouse, I say he has suffered the severest loss a man can sustain—a loss which we in England have a difficulty in considering, because, happily, we live in a state of things which presents no real analogy to that which prevails in Ireland. When we think of loss it may be loss of profit—but in Ireland it is the loss of livelihood—the right to live. I shall only take two points, because I do not wish to detain the Committee beyond the absolute duty imposed upon me by previous speeches. It has been said that we cannot take cognizance of loss beyond mere charitable loss, and that lies at the root of much objection to these cardinal provisions. Now, that is not the law of this country. In 8 & 9 *Vic.* c. 18—a sufficiently well-known Act providing compensation in case of railways—in the 121st section we find provisions which deal with tenancies where there is no greater interest than a tenancy of a year, or from year to year—and that is a description of tenancies which I hope hon. Gentlemen will keep in view, because that is the main and cardinal class of tenancies with which, in this section, we have to deal. What, then, is the provision of that Act? It is this—

> "If a person be required to give up possession of any lands so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in the land."

That is the something I have described as being of a merchantable character. That all will admit to be a loss. But you stop there, and you cannot understand a loss beyond that; and, happily, in England it does not frequently happen. But the law made provision for loss beyond that. Because the tenant is not only to receive compensation for the value of his unexpired term or interest in the land, and any just allowance which may be made by the incoming tenant, but he is also to receive compensation for any loss or injury he may sustain. So that even the English law has recognized this principle of loss over and above the merchantable loss. [Mr. Gathorne Hardy: To what Act do you refer?] That is the Land Clauses Consolidation Act of 1845. But I hold in my hand—for I wish to close as soon as I can the discussion on the subject of losses—and I am content to sum up the whole argument of the Government in a passage I will read from a speech spoken by Lord Russell twenty five years ago. It was spoken before those 300,000 evictions that have marked the annals of Ireland since the famine—which 300,000 evictions unfortunately, but feebly, represent the aggregate of suffering that has been caused by the power and threat of eviction if it was not carried to extremity. This is the passage I will read to the House, and I adhere to every word of its impressive language. The speech was delivered in this House on the 15th of June, 1846. Lord Russell, on that occasion, said—

> "However ignorant many of us may be of the state of Ireland, we have here the best evidence that can be procured, the evidence of persons best acquainted with that country—of magistrates for many years, of farmers, of those who have been employed by the Crown—and all tell you that the possession of land is that which makes the difference"—What difference? not between wealth and poverty. No, but the difference—"between existing and starving amongst the peasantry, and that therefore ejections out of their holdings are the cause of violence and crime in Ireland. In fact, it is no other than the cause which the great master of human nature describes, when he makes a tempter suggest it as a reason to violate the law—
>
> "'Famine is in thy cheeks,
> Need and oppression starveth in thine eyes,
> Upon thy back hangs ragged misery.
> The world is not thy friend nor the world's law;
> The world affords no law to make thee rich:
> Then be not poor, but break it.'"
>
> [3 *Hansard*, lxxxvii. 507-8.]

That, Sir, is a too true description—that is, as to the state of the law which we ask you to put an end to.

Mr. GATHORNE HARDY: Sir, I did not intend to say one word in the course of this debate, having occupied the attention of the Committee for some time last evening. But the language which has just been used by the right hon. Gentleman at the head of the Government seems to me so likely to mislead not only those in possession of land, but those not in possession of land, and others also in distress, not only in Ireland, but in this country, that I venture to say a few words in reply to what has fallen from the right hon. Gentleman. I admit, with the right hon. Gentleman, the right to life subsistence in the country; but the provision is fixed not on the landlord as regards his tenants, nor upon the master as regards his servants, but upon the State itself; it has been for the first time laid down by the right hon. Gentleman that when a landlord removes his tenant from the place he has occupied for any cause but non-payment of rent, if that man shall fall into difficulties, or circumstances in which he cannot readily obtain his daily bread, an obligation is laid on his landlord to provide that daily bread, to place him in a position little less satisfactory than that he occupied before; that he is to provide him with subsistence, which is the duty of the State if he is destitute; and so a burden is laid upon the landlord such as was never laid on him before. There are between 500,000 and 600,000 peasants in Ireland working for their daily bread. They are at times working for farmers who are unable to maintain them during the whole course of a year. Are they to be told in the solemn and dangerous language of the right hon. Gentleman that by those who disturb them in their occupations, when not able to provide them with labour as the means of earning their daily bread, that payment is to be made to them, or that otherwise they are guilty of some great moral offence. [Mr. Gladstone: I never used the word.] I am arguing on the language of the right hon. Gentleman. My reason for rising was that the language of the right hon. Gentleman extends far beyond the measure before the House. It is language like that we have complained of in former instances, which goes forth to the country and raises expectations which are wild, vague, and visionary; and which tells certain classes that it is not to themselves that they are to look, but that, in their trouble, they are to look to the State for legislation to place them in a position to which they have no title—a title which has never been recognized by any State on the face of the earth. The right hon. Gentleman has referred to the Lands Clauses Consolidation Act, and he tells us when a man is dispossessed of his property—not by his landlord, but by a third party coming in to interfere between him and the landlord—that a liberal compensation is to be given. Various circumstances are to be taken into consideration. Why was that clause put in that forcible way into the Lands Clauses Consolidation Act? Because it contemplates an interruption, not by the landlord but for the benefit of the State; and that a man should not in such cases be removed without the most liberal and ample compensation. But in what respect does that apply to the case now before the Committee? I quite admit that the landlords of Ireland—who I believe have, as a whole, well discharged their duty—when they have found that it would be beneficial to the interests of property and for the country, have removed some of their tenants; but I believe it has been generally for the benefit of the tenant as well as the landlord. I disagree with the right hon. Gentleman when he says that a crowded population should dwell upon land where they cannot obtain sufficient employment to supply their wants. It is far better that they should be removed to a country where there is room for exertion, than that they should remain to depress others to the same condition as themselves. I did not, as I have said, intend to take part in this debate; but I must once more solemnly protest against the language used by the right hon. Gentleman. I trust it will not have the effect that I should anticipate from it; I trust that in the East-end of London it will not be supposed that those who may be deprived of their daily bread have a right to entertain angry and vindictive feelings against the masters who have been obliged to discharge them. I trust that the peasantry of Ireland will not suppose that they were dealt with unfairly by this Bill, because no provision is made in it for their perpetual employment—a conclusion to which the language of the right hon. Gentleman undoubtedly would lead. I trust that he himself will speak with greater moderation; and that in his desire to pass a Bill which he has much at heart, believing it to be for the welfare of Ireland, he will not raise expectations which cannot by possibility be satisfied, and which, once made, cannot, without great difficulty and greater danger, be disappointed.

Mr. MOORE said, he would not detain the Committee long; but as the hon. and gallant Member for West Sussex (Colonel Barttelot) had declared that he had never heard of a single case of eviction in Ireland well authenticated, and quoted the Chancellor of the Exchequer in favour of his opinion, he wished to refer him to some Papers connected with the relief of distress in Ireland in 1848. He would cite one case, which was alluded to by Sir Robert Peel in the House of Commons, as illustrating the character of the evictions which took place at that time. Sir Robert Peel said—

> "I shall read to the House what is the Report of a military man on the case—a person employed by Government, and in whose statements apparently the utmost confidence may be placed; and I doubt whether in any country calling itself civilized, a case of more grievous injustice ever occurred. Major M'Kie, in his Report to the Poor Law Commissioners, stated, that—'It would appear from the evidence recorded, that the forcible ejectments were illegal; that previous notices had not been served; and that the ejectments were perpetrated under circumstances of great cruelty. The time chosen was for the greater part nightfall on the eve of the new year. The occupiers were forced out of their houses with their helpless children, and left exposed to the cold on a bleak western shore in a stormy winter's night; that some of the children were sick; that the parents implored that they might not be exposed, and their houses left till the morning; that their prayers for mercy were vain; and that many of them have since died. I have visited the ruins of these huts (not at any great distance from Mr. Blake's residence); I found that many of these unfortunate people were still living within the ruins of those huts, endeavouring to shelter themselves under a few sticks and sods, all in the most wretched state of destitution; many were so weak that they could scarcely stand when giving their evidence. The site of these ruins is a rocky wild spot, fit for nothing but a sheepwalk.'"—[3 *Hansard*, xcvii. 1009.]

Sir Robert Peel, in the course of the debate which ensued, said that the obligations of the House were due to the hon. Gentleman (Mr. Scrope) for not allowing a ponderous volume to consign these facts to oblivion, and for having invited the House to express its opinion upon them. Thousands of similar cases had occurred in Ireland; he, therefore, hoped they should never hear it suggested again that no well-established cases of eviction had occurred in Ireland.

Sir GEORGE JENKINSON said, that a speech by Earl Russell on the Crime and Outrage Bill in 1846 having been quoted by the right hon. Gentleman at the head of the Government, it was only fair that hon. Gentlemen opposite should listen to the opinions of another Member of great distinction on the Liberal side of the House. This right hon. Gentleman said—

> "We maintain a large army in Ireland, and an armed police, which is an army in everything but in name, and yet we have in that country a condition of things not to be matched in any other civilized country on the face of the earth, and which is alike disgraceful to Ireland and to us. The great cause of Ireland's calamities is, that Ireland is idle. I believe it would be found, on inquiry, that the population of Ireland, as compared with that of England, do not work more than two days per week. Wherever a people are not industrious and are not employed, there is the greatest danger of crime and outrage. Ireland is idle, and therefore she starves; Ireland starves, and therefore she rebels."—[3 *Hansard*, xcv. 984-5.]

He would give a further quotation from that authority. [*Cries of* "Name," *and* "Oh, oh!"] Hon. Gentlemen opposite did not appear to like the quotation, and the right hon. Gentleman had actually twitted those upon the Benches opposite to him with talking upon issues different from that which was before the Committee, and with thereby delaying the passing of this measure. But while the senior Member for Waterford (Mr. Delahunty) was indulging in the rhapsody to which the Committee had listened, not referring to a single clause or word in the Bill, there was not a Member on that side of the House who had ventured to stop him; and, therefore, the complaint of the Prime Minister ought to have been addressed to his own supporters. The same right hon. Gentleman, whose remarks he had already quoted, went on to say—

> "I do not believe that the Bill for regulating the relations of landlord and tenant, as recommended by the hon. Member for the county of Limerick, will restore prosperity to Ireland. Such a measure may be passed with great advantage; but if it be intended by a Bill with this title to vest the ownership of the land in the present occupiers, I believe this House will never pass it; and if it did it would prove most fatal to the best interests of the country."—[*Ibid.* 985-6.]

He had been asked who was the speaker. It was the right hon. Gentleman who now filled the office of President of the Board of Trade; and he (Sir George Jenkinson) very much regretted that he was not present to justify and support the words then spoken by him. After the speech of the right hon. Gentleman at the head of the Government, there was no doubt that every Irish landlord would consider that, unless he gave a tenant a thirty-one years' lease, he must undertake to provide for him for the rest of his life.

Mr. M'CARTHY DOWNING said, opinions had been attributed to him during the debate which he had never expressed.

Mr. GLADSTONE: I am sorry it should be necessary for me again to rise after the unnecessary statement of the right hon. Gentleman the Member for the University of Oxford. I should be prepared, if this were the place and the time, to question the wisdom of that statement; but the right hon. Gentleman has spoken of my observations in relation to other classes, as to whom I had not said a single word. What fell from me was entirely confined to the case of occupiers of land, and not one single syllable of that which the right hon. Gentleman objected to was my own; it was the language used by Earl Russell in the debate of June 15, 1846, and that language was used in the presence of some who now sit here. The person who followed Earl Russell in that debate, and who played the same part which the right hon. Gentleman plays to-day, seems to have taken a very different view of that language from what was taken by the right hon. Gentleman when he followed me just now, drawn forth by the urgency of the case. The person who followed Earl Russell on that occasion was the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli); and, instead of finding all that dangerous and explosive matter in the speech which I have quoted *verbum verbo*, his only reference that I can find to the general character of the speech is that contained in these words—

> "Sir, the noble Lord has treated this subject with an eloquence habitual to him when he touches on the subject of Ireland—the case now before us."—[3 *Hansard*, lxxxvii. 517.]

That was the comment of the right hon. Gentleman the Member for Buckinghamshire; the comment of the right hon. Gentleman the Member for the University of Oxford we have all heard and perfectly recollect.

MR. GATHORNE HARDY: I am in the recollection of the Committee when I say that I never alluded to the speech of Lord Russell at all. I never made a comment upon what was quoted by the right hon. Gentleman. What I commented upon was his own statement, that a landlord in disturbing a tenant in his holding in Ireland was preventing the tenant from obtaining his daily bread; and that he was thus responsible for the disturbance, and was the person who ought to pay for it. The language quoted by the right hon. Gentleman from Earl Russell, as to which I said nothing, was of a perfectly general character, and referred to the wrongs and miseries of Ireland; but the language of the right hon. Gentleman to which I referred applied not only to the case of "occupation," but to all cases in which one person was supposed to deprive another of his daily bread.

MR. GLADSTONE: I must say that I am entirely at a loss to know what word or syllable fell from me in the course of my statement to which the right hon. Gentleman can refer. I must accept his assurance, however, as to the way in which he understood me, and I beg to assure him, on the other hand, that I never dreamt he had referred to anything I myself said — though I say again that I adopted the words of Earl Russell, to which reference has been made. My argument was entirely to this point—that there was a loss entirely independent of and beyond the question of profits of occupation, as they are understood commonly in England, and that that loss in Ireland, under the circumstances of the country, was the loss of livelihood. But I said no single word as to the liability of the landlord to find a livelihood for his tenants; that liability is, in my mind, to be read and understood exclusively in the light of the clause of the Bill. Therefore, I must ask the right hon. Gentleman to believe and to rest perfectly satisfied that whatever dangerous doctrines he may think he has discovered are entirely limited to the provision we have proposed in the Bill.

COLONEL STUART KNOX said, he could scarcely at any time in its history find words in which adequately to express his opinion of the course taken by the Government in regard to this Bill. And his astonishment and difficulty were deepened when he heard the right hon. Gentleman at the head of the Government state that the hon. Gentlemen who formed the minority on the preceding night did not know why they voted as they did. He ventured to say, on the other hand, that if the votes had been taken by ballot many hon. Members who voted in the majority would have voted in the minority, and the right hon. Gentleman might have discovered that some of his Colleagues did not agree with him as to the course he had taken. He had risen, however, merely to urge that as the clause would only operate against good landlords, by compelling them to compensate all tenants, however good or bad they might be, it would simply result in harm to Ireland. Whatever the tenant might have done, the landlord would be called upon to pay. He had that morning received a letter from a Fermanagh landlord, which was the prospective first fruit of the Bill, and illustrated what he meant; but, before referring to the document, he must, on behalf of the landlords of Ulster, distinctly repudiate the views expressed by the writer. The letter enclosed for his perusal a circular which the landlord addressed to his tenants, accompanying, in each case, a notice to quit. He set forth that his tenants paid their rent well and behaved as well as he could wish; but self-preservation being the first law of nature, he must sever his connection with them. If he did not take this step — the landlord went on to say—he should be driven to have recourse to the law courts, and he was certain no tenant on his estate would wish to see him brought into the present courts of quarter sessions, to be at the mercy of assistant-barristers and pettifogging insolent attorneys, and to be the laughing-stock of insolent galleries. He would not let land to be subject to the operations of the new Act; and, though he parted with his tenants sorrowfully, he had the satisfaction of knowing that the separation was not of his own seeking, but was forced upon him by the conduct of the present Government. He would keep the land in his own hands, and so avoid much of the trouble and responsibility that would be entailed upon him by the Government Land Bill. Of course, inquiry should be made as to the sanity of landlords who would serve their tenants as this particular one had; but, at the same time, it must be admitted that many such notices to quit would result upon the passing of this Bill; and, this being so, he wished hon. Members to weigh well his statements, and to pause before assisting at the infliction of a great wrong upon Ireland.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 293; Noes 182: Majority 111.

Mr. CORRANCE moved, in page 3, line 4, after "compensation," to insert—

"To be paid by the landlord for any loss sustained by him on quitting his holding, and for improvements made by him or his predecessor in title, as the Court may think fit, so that the sum awarded shall not exceed five years' rent, or extend to any holding valued under the Acts relating to the valuation of rateable property in Ireland at an annual value exceeding fifteen pounds."

The hon. Member said he had offered to the Bill in its passage through Committee no factious opposition, but it had now reached a somewhat new stage. The right hon. Gentleman the Chancellor of the Exchequer, in his speech, threw aside political economy and took his stand upon the ground of broad political necessity, and he (Mr. Corrance) was content to argue the question upon this ground. In the right hon. Gentleman's mind political economy generally seemed to stand for a set of practical rules that could not be departed from, and they generally existed as a bar to even the fair consideration of anything that was proposed for the benefit of the people of England. The truth was that political economy had many enemies, but its worst enemies were its friends. Now, the question was this—was the condition of Ireland so different from that of other countries that we must have a special law to meet, to some extent, the existing conditions? If this was conceded, and he did not deny it, in the minds of most men there was the belief that there should be a line of demarcation at which compensation should cease, and he found proofs of this in the remarkable speech delivered by the hon. and learned Member for Richmond (Sir Roundell Palmer). He asked that hon. and learned Member whether, when the present proposition was before him, he could refuse his assent at all events to the general principle embodied in it? The case stood thus—that in the minds of those who agreed with the hon. and learned Member for Richmond there was a line dividing two different classes of men, in one of which classes the freedom of contract should not be done away with. The other class was composed of men who were called miserable and dependent; men to whom the right of free contract could not be given; because, practically, any contract that they entered into would not be binding upon them, though it would be binding upon their landlords. The question was in what position they should be left, and it was said that they should be brought under the protection of this Bill. His own opinion was that it would be better, both for their landlords and for themselves, if they could receive some protection from a court of law. But then came the question, what limit they would fix to the application of this principle. The proposal in his Amendment was that the line should be drawn at £15 yearly value. Mr. O'Brien's evidence before a Committee was—

> "I fully believe that if it could be accomplished, without doing injustice to the tenant, it would be desirable to get rid of the tenant-right custom altogether."

Mr. Bence Jones, in reference to the compensation proposed in the Bill, said—

> "Then the making only one class between £10 valuation and £50 is very unjust to landowners. A £50 valuation in my district would imply a farm of nearly 100 acres, and a wholly different class of tenant from a £12 or £15 or £20 tenant. Where the land is better the practical result is the same—less land is of equal value. A 100-acre farmer is a man with good and large stock, worth much money, a man as well able to protect himself as any other class in the community. The loss of his farm is neither a greater or less loss to him than it is to an English or Scotch farmer."

Let the House consider for a moment what an extent of ground would be covered by adopting the limit of £15. Of holdings under £15 there were no less than 428,915, out of a total of 526,513, which would leave only 97,600 persons who would be able to make free contracts. If they did not wish to prevent free contracts altogether what narrower limit than this could they wish to confine it to? It would be proposed that £50 should be taken as the limit; but this would include 3,000 tenants in Ireland who would be capable of making free contracts. He believed that it would be found impossible to maintain the compensation at so high a rate as a maximum of seven years. He had thought it better to take the limit of five years. His contention throughout had been that the burden of compensation would fall upon the tenant and not upon the landlord, who would recoup himself at the expense of the incoming tenant, and he hoped that the proposition which he had made would receive the advantage of intelligent criticism.

MR. CHICHESTER FORTESCUE, whilst acknowledging that the hon. Member for Suffolk (Mr. Corrance) had made no factious opposition to the Bill, submitted to him that he was raising several important questions by this Amendment, which would come on for consideration in due course, but for the consideration of which this was hardly the proper time. The hon. Member desired to abolish the scale, and to substitute for it one maximum of five years' rent, and to limit the provisions to holdings not exceeding £15 value. The time, however, to consider the scale would be when the scale itself was before the Committee. The hon. Member had supported the Government in their proposition that a tenant should be compensated for the loss sustained by quitting his holding, and he would remind him that nothing could be more unwise than for Parliament to give with one hand and take away with the other. He hoped the hon. Member would not so alter the principle to which he had already agreed as to limit its application in Ireland.

MR. BRUEN supported the Amendment of the hon. Member for Suffolk, because he believed that a sliding scale would be very prejudicial to small tenants. The compensation which a landlord would be obliged to pay would act as a fine upon him for having a particular class of tenant, and it would, therefore, be to the landlord's interest to get rid of such a man. All Irish tenants were liable to fall into arrear with their rent, and whenever one did so a landlord would take advantage of the opportunity to get the land into his own hands. It would, therefore, be a cruel thing to the small tenants to make it to the interest of the landlords to get rid of them whenever misfortune occurred to them. He knew one estate on which during the last twenty years the payment of £13,000 of arrears of rent had been forgiven, and the tenants had been allowed to remain in their holdings; and on another estate £20,000 had been forgiven within the last twenty years, and yet the tenants had not been turned out. A great number of them were small holders, and he asked whether, if the proposed clause had been in operation they would have been allowed to continue in their occupations? He did not think that landlords would evict all their small tenants immediately; but disagreements would arise from time to time which would end in eviction; and it seemed to him that the only way in which that could be avoided was by having one uniform scale of compensation which should stop at a certain point. The line must be drawn somewhere, and where it should be drawn was for the Committee to decide.

Mr. SYNAN opposed the Amendment on the ground that it would offer a direct inducement to landlords to consolidate farms. His hon. Friend (Mr. Bruen) should, therefore, have opposed the Amendment instead of supporting it. From 1847 to the present time the number of holdings in Ireland above £15 had increased; those under £5 had decreased; and the Amendment would have the effect of hastening a process which had been going on slowly during the last twenty years, so that in the course of another quarter of a century there would be no small holdings in Ireland. The small holders were those who could not take care of themselves, and, therefore, required the protection of this Bill; but if it were intended to extinguish them, nothing could be more expeditious than the Amendment of the hon. Member for Suffolk. The adoption of the Amendment would make the Bill very unpopular in Ireland, and prevent the object the Government had in view.

Mr. DENT said, he hoped the Amendment would be withdrawn. He had not found it very easy to vote for the principle of allowing compensation to tenants who had not made any improvements, and had only been brought to support that proposition by a consideration of the extreme difficulty of dealing with the small holders of Ireland. He, however, concurred in the statement of the hon. and learned Member for Richmond (Sir Roundell Palmer) that there must be a limit to the amount of compensation, and that it should only be given in cases of tenancy-at-will.

Mr. W. FOWLER also hoped that the Amendment would be withdrawn, as he had an Amendment upon the scale of compensation upon which the whole question could be discussed.

Mr. CORRANCE said, he thought that hon. Members had entirely misconceived the spirit of his Amendment, which involved a much more important principle than seemed to be generally thought. In his opinion, the Committee ought to state at this stage of the Bill how far the application of this clause was to extend. The hon. Gentleman opposite (Mr. Synan) had objected to the Amendment on the ground that it would tend to diminish the number of small holdings. Now, he maintained that small holdings were a great misfortune, and that Ireland would continue in a state of misery and degradation until they were to a certain extent got rid of. On this point he would refer the hon. Gentleman to the Reports of the Poor Law Commissioners, and in particular, to that of Mr. O'Brien, who said—

> "I fully believe that if it could be accomplished, without doing injustice to the tenant, it would be desirable to get rid of the tenant-right custom altogether."

If the Committee thought this great principle could be better discussed at a subsequent period he should be very glad to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Mr. CHICHESTER FORTESCUE moved, in line 5, to leave out from "regard being had, &c." to "holding" in line 8, both inclusive.

Motion *agreed to.*

Sir GEORGE JENKINSON said, that at that time he could not bring forward the Amendment of which he had given notice, and he begged, therefore, to move to report Progress.

Mr. GLADSTONE said, he hoped the hon. Baronet would not persevere in his Motion; but that he would allow the Committee to proceed to the consideration of the scale of compensation to be awarded.

Sir GEORGE JENKINSON said, his objection was to the scale itself, which he believed to be unjust, for it admitted a liability which he denied; and he understood it had been arranged that they were not to commence this discussion until Thursday. He had postponed his Amendment in consequence of that understanding.

Mr. GLADSTONE protested against the Motion, as what the hon. Baronet desired to do could be discussed when his right hon. Friend (Mr. C. Fortescue) brought on the question of compensation to be awarded according to the scale.

Sir GEORGE JENKINSON said, he thought the Prime Minister had no right to use his immense power in trying to stifle the opinions of private Members. They had not yet had a fair discussion on the principle of this clause. He hated and detested the Bill; he had a strong feeling against it as a landlord, yet he had not voted upon the second reading, nor had he raised a word against it in Committee. His Amendment went to cut out the scale altogether, and he must therefore, insist upon his Motion.

Motion *negatived.*

MR. BOWRING, in moving the substitution of the words "which shall in no case exceed," for the words "not exceeding," in the 13th and following lines, said, that great changes had been made in the Bill since it was first introduced. It was now arranged that two distinct compensations should be awarded to the tenant, one for improvements and one for disturbance. As the Bill originally stood a maximum of compensation was fixed as a starting-point, but the onus of beating it down to a lower point practically rested with the landlord, as the words "not exceeding" were generally held to imply that the specific sum following those words should be granted, in default of proof to the contrary. He quoted instances in support of this view, and said that it was now only reasonable, in consideration of the additional advantages conferred on the tenant by the Bill as amended, that the views of hon. Members opposite should be to some extent consulted, and that the tenant, and not the landlord, should prove his case. He moved that words should be substituted in the 13th line, so that the 1st section of the clause would read that, in cases of £10 rental and under, the compensation "shall in no case exceed" seven years' rent.

MR. GLADSTONE said, he thought there was a fair ground for agreeing to this Amendment, in the fact that by the 10th clause it was required that the tenant should distinguish the particulars of his claim. But there was another reason for this. The words "not exceeding" were in many cases interpreted to be a mere formality, and it was presumed that the whole sum was to be given, and that was contrary to the intention of the clause. They were ready to insert the words proposed and they could commence next day with the number of years.

LORD CLAUD HAMILTON taunted the Government with their inconsistency. The Government were now admitting a new principle which they had previously denied in reference to this Bill.

MR. CHICHESTER FORTESCUE said, the Government did not accept the Amendment on the ground of a new principle in the Bill.

Amendment *agreed to.*

House *resumed.*

Committee report Progress; to sit again upon *Thursday.*

MEMBERS OF PARLIAMENT PAYMENT.

LEAVE.

MR. P. A. TAYLOR*: Sir, I rise to ask for leave to bring in a Bill to restore the ancient constitutional custom of payment of Members of this House. When I first gave notice of this Motion it created some amusement, partly, no doubt, from its novelty, but also, as I believe, from what was deemed to be the extravagance of the proposition. I shall be disappointed, however, whether my proposal is accepted or not, if I do not succeed in convincing the House that it is, at any rate, a grave question, and well worthy of serious consideration. For myself, I may say that, when I first took up the question on general grounds of expediency and policy, I had no idea of the strength of the case that I should have in my hands. I find a practice supported by the precedent of hundreds of years in our own history—by all but universal adoption in every country but our own which has any pretence to representative institutions—and so entirely in unison with the principles of common sense and justice, that, to my mind, our recurrence to the system of payment of Members is a question of time only. I feel as confident of its ultimate adoption as, 10 years ago, I and other hon. Members near me felt assured of the adoption of an extended suffrage. The question has been so entirely neglected and forgotten for the last 30 or 40 years, that I should fail in respect to the House, and should not do justice to the question, if I did not make my statement now in this preliminary stage, rather than on the second reading; but I may console the House by the assurance that—should it accord to me, as I hope it will, leave to introduce the Bill—I shall not need to trouble them with a repetition of the argument. I have referred to my proposition as the "ancient constitutional custom." It may be thought that I am about the least likely person in the House to suggest the adoption of a practice because it was ancient or constitutional; and I will avow that, if I did not think it right and expedient now, I should not be greatly concerned to consider what our ancestors thought right 500 years ago. At the same time, it will be admitted to be worth noting that payment of Members did prevail in this country for centuries, and can hardly, therefore, be deemed incompatible with our constitution or national characteristics. Besides, I will acknowledge that I hope to command the support of hon. Gentlemen opposite upon this ground. Hon. Gentlemen opposite are always professing, and I am sure quite sincerely, their respect and veneration for the British Constitution. That Constitution has, in the course of time, undergone manifold changes and modifications; and it is not easy, perhaps, to define precisely what is the ideal they revere. But should I ask those hon. Gentlemen to name the time at which the British Constitution reached its most glorious proportions, they would probably fix it at that period when the Three Estates of the Realm exercised a very different proportion of authority to that which prevails now, when this Commons House of Parliament may be practically deemed supreme. Well, Sir, through all those halcyon days—in fact, from the very beginning of Parliamentary government down to some two centuries ago — the system of payment of Members was universal and unquestioned. But, of course, I shall be here met with the observation, that the conditions which rendered payment of Members appropriate in those days have entirely passed away, and given place to others, under which payment of Members would be as absurd now as it was appropriate then; that in those old days to be sent to Parliament was no object of ambition, but a troublesome duty, involving an expenditure of time and trouble, for which payment of wages was an essential condition; whereas now there is no need to pay persons for undertaking an office which is the object of general ambition. Upon this point I join issue absolutely. The principle of buying in the cheapest market and selling in the dearest, sound enough as applied to the affairs of trade, if applied to morals or to politics, is but another phrase for corruption and bribery. Let the House observe to what conclusions this reasoning would take us, if logically pursued — as when the man does not desire to be sent to Parliament he must be paid for it, so when it is an object of moderate desire he must pay his own expenses; and, as soon as it becomes the object of universal ambition, why should he not purchase that which others have to sell, and which he has the means to buy? If I am not mistaken, there are few of us who have not heard such argument adduced, with more or less covering of decent phraseology. In my view, when that change which has been adverted to took place, our system of government incurred a risk—rather an actuality—of mischief, which required to be dealt with in a very different manner. The system of corruption then inaugurated, and which in later times has swelled to such terrible proportions, should have been met by stern repressive legislation, and certainly not endorsed and accepted by cessation of payment to Members. Payment of Members is the symbol of a system of honest work fairly remunerated, while non-payment symbolizes a system which can hardly be more laconically illustrated than by a well-known politician of two generations back, who, in a moment, as I presume, of post-prandial candour, thus apostrophized his constituents—"I bought you, and, by G——, I'll sell you!" Small wonder, perhaps, that, in such a condition of things, this House, which should have been the best law-making machine in the world, is now more commonly known as the pleasantest club in the world. I should add, here, that I think the change of which I have spoken should, for obvious reasons, have been met by a transference of the charge from local to Imperial funds, and perhaps I need hardly say that such is the nature of the proposition I am about to make to the House. I lately met with a curious little illustration of how the question was regarded by a shrewd observer two centuries ago. Mr. Secretary Pepys relates that he "dined in the City on the 30th of March, 1668, with many men of mark;" that he there got into conversation with the rest of the company on State affairs; and that

> "All concluded that the bane of Parliament had been the leaving off the old custom of the places allowing wages to those that served them in Parliament, by which they chose men that

> understood their business and would attend to it, and they could expect an account from them, which now they cannot."

I now propose, with the leave of the House, to state, as shortly as I can, the history of the practice in this country, then to refer to the practice in foreign countries, and then to say a few words upon the general principles involved in the question of recurring to it. I have found considerable difficulty in tracing exactly when and how the custom of payment of Members arose. On this, doubtless, many hon. Members learned in the law would be able to give us more distinct information. I propose to read a short statement to the House, which probably gives as succinct and accurate a relation as I could find. It is from Dr. Henry's *Great Britain*, vol. x. p. 63—

> "All the Members of the House of Peers always attended Parliaments at their own expense, that being one of the services they were obliged to perform for the baronies they held of the Crown. But as soon as the smaller tenants of the King *in capite*, or freeholders, were permitted to appear by representatives, they were subjected to pay the expenses or wages of these representatives. This custom of representatives receiving, and their constituents paying, wages, commenced with the commencement of representation, from a principle of common equity, without any positive law. . . . . The wages of knights of shires were always higher than those of citizens and burgesses, because they were really persons of a higher rank, and lived in a more expensive manner. For more than a century the wages of the Members of the House of Commons were sometimes higher and sometimes lower; but at length, in the reign of Edward III., they became fixed at 4*s*. a day for a knight of a shire, and 2*s*. a day for a citizen or burgess, and continued at that rate as long as they continued to be paid. Nor was this at first an incompetent sum, as 4*s*. then was equal to 40*s*. at present. The proudest and most opulent knights thought it no dishonour to receive their wages, and even to sue for them; and no man in those times imagined that this custom ever could or would be changed, as it was so reasonable, and productive of so many good effects; particularly it engaged the attendance of all the Members to the very last day of every Session, because those who did not attend from the first to the last day received no wages, and their negligence could not be concealed from their constituents. Accordingly we often find all the Members present, and receiving writs for their expenses, at the dissolution of a Parliament."

On the other hand, another writer—Mr. Home, W.S., Edinburgh—says that in Scotland it was by statute, dated 1427, which has been preserved. He thinks it was copied—like many of their other laws—from an English statute, which has been lost; he gives the opinion that the system could never have been introduced but by statute. However this may be, it seems clear that Dr. Henry was not precisely correct in stating that the amount of wages was the same everywhere after the reign of Edward III.—namely, 2*s*. a day for a citizen or burgess, and 4*s*. for a knight of a shire, as an interesting extract from the Newcastle Records proves—

> "Johannes de Denton and Hugo de Hecham, in 1334, were each paid 2*s*. a day; Willielmus de Middleton and Robertus Swineburne, in 1413, were each paid 2*s*. a day; the Town Council voted, in 1654, 5*s*. a day; Robert Ellison, in 1660, was paid 10*s*. a day; Sir Francis Anderson, in 1661, was paid 13*s*. 4*d*. a day. '1661, May.—Paid Sir Francis Anderson's sallarie for being Parliament man for the towne off Newcastle, 128 dayes, the last Parliament, at 13*s*. 4*d*. per day, £85 6*s*. 8*d*.' The Members, in 1685, were paid 13*s*. 4*d*. a day."

Apparently the practice ceased to be universal at least 250 years ago. Hallam observes that "Andrew Marvell is commonly said to have been the last who received this honourable salary," while (he adds) it is asserted in a modern work —Lysons' *Cornwall*—that wages were paid in some Cornish boroughs as late as the 18th century. It has been by some incorrectly stated that payment was a voluntary offering on the part of the constituency; there is no doubt, on the contrary, that it was enforceable at law. Lord Campbell, in his *Lives of the Chancellors*, gives an instance in which this was done—

> "After the dissolution of Parliament, in 1681, Thomas King, Esq., late Member for Harwich presented a petition, stating 'that he had served as burgesse in Parliament for the said borrough severall yeares, and did give his constant attendance therein; but that the said borrough had not paid him his wages, though often requested so to do.' Notice being given to the corporation of Harwich, and the facts being verified, the Lord Chancellor ordered the writ to issue *de expensis burgensium levandis*."

From a passage in the same work it would appear at least an open question whether the law or custom might not be put in force at the present day. Lord Campbell says—

> "Lord Nottingham's most important decision while he held the Great Seal probably was, that the obligation on constituencies to pay wages to their representatives in the House of Commons still continues. . . . I know no reason, in point of law, why any Member may not insist on payment of his wages. . . . For this point of the People's Charter—payment of wages—no new law is required."

As I stated just now, this question has quite fallen out of consideration for the last 30 years; but from the commencement of the agitation for Parliamentary Reform towards the close of last century, down to about the year 1840, it is worthy of note that almost every great scheme of Reform, whether springing from Whig magnates or from the Radical party, embodied the principle of payment of Members. In 1780 the electors of Westminster appointed a committee upon elections; C. J. Fox, chairman. In their report to the electors they recommended payment of Members. Immediately after, the Society for Constitutional Information was established in London. At the head of this society was the Duke of Richmond, president; supported by the Earl of Derby, the Earl of Effingham, the Earl of Surrey, the Earl of Selkirk, Viscount Mount-Morres, and Lord Kinnaird, and by 11 distinguished Members of the House of Commons. This society adopted the "Report of the Committee of Westminster," reprinted it in great numbers, and distributed it far and wide. In the year 1830 Lord Blandford introduced into the House of Commons a Reform Bill, which was supported by all the leading Liberals in the House. In his speech he observed—

> "As the object of this Bill is to restore the representation to its ancient purity, I propose among other excellent old laws now either repealed or become obsolete, to restore the principle and practice of paying Members the wages of attendance, according to the value of money at the present day, which I consider should be £2 a day for citizens and burgesses, and £4 for knights or Members for counties."—[See 2 *Hansard*, xxii. 170, 176, 325, 326, 391, 527, 678, 805; xxiii. 805, 1389.]

The House will remember that in 1837 arose a great agitation for the People's Charter. That document was drawn up by a Committee consisting of six working men and six Members of Parliament—amongst the latter were such men as O'Connell and Mr. Roebuck—and contained this provision—

> "Be it enacted, that every Member of the House of Commons be entitled at the close of the Session to a writ of expenses on the Treasury for his legislative duties in the public service, and shall be paid £500 per annum."

Again, in 1842 there was established an association, of which I had the honour to be a member, called the Metropolitan Parliamentary Reform Association. I do not refer to this for any great work it did, for its life was of very short duration; but one of the objects in its programme was, "that each representative of the people should be paid for his services;" and amongst the promoters of this society I find such names as Henry Warburton, J. A. Roebuck, Wynn Ellis, Milner Gibson, Joseph Hume, the Earl of Radnor, J. Scholefield, and many others of note. I should here observe, that I do not propose to make payment dependent upon attendance, nor, indeed, to set up any Parliamentary surveillance over Members. I think this might be safely left, as now, to the decision and observation of the constituencies. It is for them to select representatives who hold their opinions and will do their work. There can be no doubt, however, that in olden time attendance was rigidly enforced. By an Act of Parliament, A.D. 1541, it was declared that, if any Member left the House without the leave of the Speaker before the end of the Session, he should have no claim for wages from his constituents. In 1580 the House of Commons resolved to fine all knights of the shire £20, and citizens, burgesses, or barons, £10 each, if they absented themselves without leave during the whole of the Session. It was provided that, in the case of those Members who had been absent without leave for only part of the Session, they should forfeit and lose the benefit of receiving their wages, and the Clerk of the Crown was prohibited from delivering out any writ for levying the wages or allowances for any such knight, citizen, burgess, or baron, without leave of the House. And in 1626 fine and imprisonment were decreed by the House of Commons for non-attendance. I come now to the second part of the question—namely, to the practice as it exists in other countries; and I think the House will be surprised to learn that, while there is great diversity in respect to the amount and mode of payment, still that the practice may be said to exist in every country but one—Spain—I except, of course, England and some of its dependencies—where there there is any pretence to Parliamentary government; and I may add that there seems a distinct relation between freedom of institutions and the amount of remuneration, the United States standing at the head, and I think Italy at the bottom, of the list. I have been greatly assisted in this part of the question by the fact that in

1868 a Royal Commission was appointed by the Government of Victoria—

> "to inquire and report generally on the practice of paying or compensating Members of the Legislature in all countries where the practice prevails, and with a special view of ascertaining in each case the rate of payment or compensation, the conditions or limitations, if any, under which it is made, and the form of legislative enactment by which it has been authorized."

I hold in my hand the Report of that Commission, by which I am enabled to lay a great deal of information before the House, supplemented, however, by inquiries of my own, which show that in some particulars the Report of the Commission is not quite accurate. I should state here that, as a result of this Report, a Bill has been introduced into the Legislative Assembly of Victoria, proposing to give a sum of £300 a year to Members of the Legislative Council, and of the Legislative Assembly. After debates, which I may say would do credit to any Imperial Parliament; the Bill was carried through all its stages in the Legislative Assembly. In the Legislative Council, after debate, the further consideration of the question was postponed. I have heard, but am not sure whether it is officially known, that it has been since rejected; I can, however, say, with the utmost confidence, that it is impossible to read the debate in the Assembly without feeling convinced that the measure will be passed at an early day, as certain as it is to be passed here —somewhat later. I shall only refer to that debate to quote a single observation of the Hon. Mr. Duffy, Chairman of the Royal Commission. In reply to an observation that the Commission did not report in favour of the measure, he said—

> "The reason was, that the terms of their appointment did not include a power to do so. They were directed to report as to the practice in other countries, and that report made the case so overwhelmingly in favour of compensation to Members as, without recommendation, to carry conclusion on the face of it."

The Report states—

> "At the present time the representatives of the people are compensated for their attendance in the Legislature in every country where Parliamentary government is in operation, with the exception of England, the Republic of Switzerland, and the kingdom of Italy."

This is not absolutely correct in respect to Italy, and is singularly incorrect as to Switzerland. [The hon. Member read passages at great length from the Report of the Commission (Victoria), of which the following are the material statements.] In Italy, which, before 1848, had no representative institutions, by Article 50, by the Constitution granted by Charles Albert (Sardinia)—"The functions of senator and of deputy do not bring in any remuneration or indemnity"—and this remains the same. In regard to Switzerland, the Members of the National-Rath—that is, of the House of Representatives of the Swiss Confederacy—receive from the Federal Exchequer daily payment, 12 francs, and travelling expenses (per Wegstunde), 1 franc 50 centimes. Spain, as I have already mentioned, is the sole exception, so far as I know, to payment of Members. In the United States, the existing practice is regulated by an Act passed in the year 1866. Every Senator, Member of the House of Representatives, or delegate of a territory not yet admitted as a State, is paid a salary of $5,000 (or £1,041 13*s.* 4*d.*) per annum, and mileage to and from Congress at the rate of 20 cents per mile of estimated distance between his usual place of abode and the seat of Congress; but this mileage is granted only for two Sessions in each Congress. The recently-federated British Colonies on the same Continent, constituting the Dominion of Canada, have followed the example of the United States. The practice of compensating Members existed before federation, and has been continued by an Act of the Parliament of Canada, assented to in December, 1867. An allowance of $6, or £1 5*s.* for each day's attendance, is granted to Members of both Houses, provided the Session does not extend beyond 30 days. If the Session exceeds 30 days, each Member receives a sessional allowance of $600 (or £125), and no more under any circumstances. The condition of personal attendance in Parliament is insisted upon. In New Zealand, the Members of both branches of the Legislature have been paid from their first Session in 1854. The practice was not established by any special legislative enactment, beyond granting the necessary sum in the Appropriation Act. The rate of payment is £1 per diem for each day the Member gives his personal attendance at the place of meeting of the Legislature. In Newfoundland, the Members of the Legislative Council and of the House of Assembly receive a certain fixed sum per Session, which is provided for annually in a local act. The President of the Legislative Council receives $240; each Member, $120. The Speaker of the House of Assembly receives $923; each Member, resident in outports, $291; each Member, resident in capital, $194. In Holland, the revised Constitution of 1848 provides no compensation for Members of the Upper Chamber of the States General; but Members of the Second Chamber are paid an annual allowance of 2,000 guilders (or £160), besides mileage to cover travelling expenses. The Constitution of Belgium (1831), provides that Members of the Senate shall receive no indemnity for the expenses incurred in performing their duties; but a Member of the House of Representatives enjoys a monthly "indemnity" of 200 florins during the continuance of the Session—200 florins being equal to 423*f.* 28*c.*, or £16 15*s.* 1*d.* in English money. Deputies, however, whose ordinary place of residence is in Brussels, where the Legislature sits, do not participate in this allowance. I now come to Sweden and Norway, which afford an illustration of the observation I have already made, that, as a rule, the more democratic the Government, the more liberal is the pay. Thus it will be seen that in Sweden, the more aristocratic and wealthy nation, the payment is lower than in Norway, one of the most practically democratic countries in Europe. The latest law regulating the functions and privileges of the Diet of Sweden was adopted in 1865. Members of the Upper Chamber receive no compensation. In the Riksdag, or Lower Chamber, Members are paid a salary of 1,200 rix-dollars (or £66 13*s.* 4*d.*) for each ordinary Session, and an allowance for travelling expenses. But if the Chambers be dissolved, or if the Member abandons his functions before four months have elapsed, and also in case of an extraordinary Session, the deputy receives, in lieu of the Sessional payment, an allowance of 10 rix-dollars (or a fraction under 10*s.* 11*d.*) a day. The entire sum received during a Session, however, must not exceed 1,200 rix-dollars. In Norway, the Members of both Chambers of the Storthing receive an allowance of three specie dollars (or 13*s.* 3¼*d.*) a day during the Session, and all their expenses travelling to and from the Legislature. In Portugal, the members of the Camara dos Pares are allowed no compensation; but the members of the Second Chamber, the Camara dos Deputados, receive remuneration at the rate of 10*s.* a day during the Session. In Greece, the Representative body are paid 250 drachmas (francs) per month during the Session; the Senate 500 drachmas per month, not limited to the Session. In France, the payment of Members there, as here, is an ancient constitutional custom. In *les anciens Etats Généraux,* Members were paid by the districts which sent them, not with uniformity in amount, but rather according to their rank. When, at the Revolution, the *Etats Généraux* were transformed into the National Assembly, the payment was made uniform—18 francs per day during the Session. Under the Restoration there was no payment—another illustration that despotism is not favourable to the practice; nor was it renewed under the Monarchy of July. Under the Republic, 1848-51, the payment was 25 francs a day from the State Exchequer, during the Session. Under the Empire, 1852, the Senators were paid a salary of £1,200 a year, and Members of the Legislative Assembly £100 per month during the Session; since which a slight change has taken place, the Deputies being paid 10,000 francs (about £400) for the Session; but for Sessions of unusual length, so much per month in addition. The last reference with which I shall have to trouble the House is in relation to Germany. In all Germany, in Prussia as well as in Austria, in Saxony, Bavaria, Wurtemburg, Baden, Hesse—in fact, in every State that forms part of a country comprising nearly 50,000,000 inhabitants—there is payment of Members of the various Houses of Deputies. The payment ranges between 9*s.* (in Prussia) and £1 a day (in Austria). Besides, travelling expenses are awarded. So much, Sir, for the state of the question in other countries than our own. Before entering upon the discussion of the policy of our adoption of the system, I wish to say a word upon two or three points which, though not directly connected with the question, may be considered in some degree collateral with it, and which, without stopping to discuss, it seems right just to allude to in passing. I refer to—1. The duration of Parliaments; 2. The number of Members; 3. The question of more equal electoral districts. While the measure which I have the honour to propose may stand upon its own merits, yet I think it right to acknowledge that, if passed, it would have an indirect action upon the questions to which I have referred. Though the repeal of the Septennial Act is, as I think, a measure quite inevitable under any circumstances, still, I think that payment of Members would clearly hasten that repeal. I think, too, that under the system I propose the excessive numbers, as many think, of this Assembly would naturally come under revision. In regard, again, to electoral districts, it is evident that existing anomalies would be made still more glaring by the fact of an equal stipend being paid to the representatives alike of a few hundreds or of many thousands. And now, Sir, what is the main object sought to be attained by the measure which I propose? I shall not need to detain the House to answer the question, seeing that the objects lie upon the surface, are clear and undeniable, and must be admitted by all to be in themselves desirable, provided I can show that no greater evils of some other kind would be produced. Those objects are—first, to give to constituencies the widest possible area for selection; and, second, that the men they choose shall be, so far as possible, rendered independent of corrupt influences. In regard to the former of these points, let me quote the words of Mr. J. Stuart Mill, in his able work on the *Subjection of Women*—

> "In all things of any difficulty and importance, those who can do them well are fewer than the need, even with the most unrestricted latitude of choice: and any limitation of the field of selection deprives society of some chances of being served by the competent, without ever saving it from the incompetent."

It must not be supposed that I wish to be understood that Mr. Mill is favourable to this measure. On the contrary, he is its firm opponent, and I shall have immediately to quote his own strong words against me, in the hope of being able to show that in this instance his arguments are not unanswerable. But there is another point in regard to which payment of Members will, I think, be admitted by all to be in itself desirable. I allude to the admission of working men into this House. Now, this is said to be desired as much by hon. Gentlemen opposite as by those on this side; and I maintain that no other means can possibly avail to insure that end short of a recurrence to the system of payment of Members. Sir, there is no quarter of this House, I think, from which the desire has not been expressed to see on these Benches some representatives of the working men. I fear those declarations will be received with but little faith if the House refuses to entertain this measure, and if, whenever a working man appears on the hustings, candidates from the Carlton Club or the Reform Club come forward to crush him beneath the weight of their long purses. If it be said that a poor man in the House must be subject to personal temptations, I reply, that that argument must be carried to the extent of excluding all poor men, and therefore working men; and that, if such are to sit in this House —as we all profess to desire—payment for their services is the only protection that can be afforded to them. Now, upon this point I beg to appeal to the right hon. Gentleman at the head of the Government for his support. I shall quote some admirable words of his, which I think, at any rate, will place him in the alternative of being obliged to support my measure, or of showing very strong grounds for believing that disastrous effects would follow its adoption. In a speech—delivered in July, 1868—on the Corrupt Practices at Elections Bill, the right hon. Gentleman, in supporting the proposition of my hon. Friend the Member for Brighton (Mr. Fawcett), used these remarkable words—

> "It was time Parliament expressed a judgment, especially with the widely-extended constituency, as to the true nature of Parliamentary duties, and decided whether sitting and voting in the House was a privilege to be enjoyed by the individual, or a duty to be performed towards the community. In his judgment, it was a duty performed towards the community, and preaching upon the subject would be greatly strengthened by enactments showing that it was regarded as a duty. . . . It would be worse than ridiculous to admit all classes to the franchise, and yet to continue arrangements which practically limited the choice of candidates. He thought that to hold it was necessary for the safety of our institutions to prevent poor men from coming into that House was a most pernicious doctrine. . . The coming into Parliament of such men would be most beneficial to all classes. It would do more than anything else could do to strengthen the confidence of the people in the Imperial Parliament. He did not think this clause would effect much in the way of admitting those men, but at least it would remove a very odious barrier to their admission."—[3 *Hansard*, cxciii. 1448.]

Now, Sir, upon this I think I may venture to claim the support of the First Minister, or at least that he should prove very patent evils in the measure which I propose. He declares that to exclude poor men from the House is "a most pernicious doctrine;" nay, he believes that the presence of such men would be "most beneficial to all classes." He acknowledges, with perfect truth, that the proposition of the hon. Member for Brighton, to throw election expenses upon the constituencies, would effect but little in the way of admitting such men. I venture, therefore, to ask him, upon what grounds he is prepared to oppose a measure which alone can resist what he terms "a pernicious doctrine," and can produce results which he asserts would be "most beneficial to all classes?" The fact is, Sir, that the reforms in this House, which have taken place as the result of a long course of public agitation, have had for their aim to get this country out of the slough of class legislation. Now, I venture to remind the House that the evils of class legislation may exist—nay, be as rampant—under a system by which you limit the choice of constituencies, as under one by which you deny them votes. Suppose, for instance, you gave the people universal suffrage, but limited their choice to great landed proprietors: should any of us expect that the question of the Game Laws was likely to be discussed with entire impartiality? Or if, under universal suffrage, the choice of the constituencies were limited to railway directors, is it likely that our means of locomotion would be particularly safe or satisfactory? And so, if you maintain a system under which only the wealthy can gain admission to this House, what wonder is it if the interests of wealth and of privilege are more considered than the rights of the people or the interests of labour? Does anyone doubt that such is the fact? I ask any hon. Member to recall the groan of despair that echoes from Bench to Bench at a proposition to add 1*d.* to the income tax, as compared with the dignified equanimity with which we discuss the taxes on tea, coffee, or sugar. If hon. Members receive such doctrine from my lips with incredulity, let me quote words to them which they may perchance recall, as it is not so long since they echoed within these walls—

> "But when this House is told of rights, and of rich and poor, let us remember that this House is an assembly in which the poor are not represented, in which poor men are not contained."

These words, Sir, were spoken by the Prime Minister but three days back; and, while I honour him for their utterance, I appeal to him for their application. Well, now, Sir, what is the great objection to a proposition which appears upon the surface, at any rate, so obviously desirable and essential to the existence of free Parliamentary institutions? The objection raised is of course that, under this system, the character and tone of the House would be degraded, and that it would be made the arena for petty personal ambition, instead of being, as it is assumed to be now, full of disinterested desire for the public weal. I feel bound frankly to put this objection in its strongest form, and I will, therefore, quote the words of Mr. Mill. In his *Representative Government* he says, speaking of payment of Members—

> "It amounts to offering 658 prizes for the most successful flatterer, the most adroit misleader, of a body of his fellow-countrymen."

He also quotes, with evident approval, the observation of a writer in *Fraser* (Mr. Lorimer) that—

> "By creating a pecuniary inducement to persons of the lowest class to devote themselves to public affairs, the calling of the demagogue would be formally inaugurated. . . . . . If there were 658 places of certain, however moderate, emolument to be gained by persuading the multitude that ignorance is as good as knowledge, and better, it is terrible odds that they would believe and act upon the lesson."

Now, Sir, what is the value, what is the weight, which is to be attached to this continual cry of alarm about demagogues? What is the object of representative government but that the people should send men to Parliament to represent their principles, express their opinions, and make laws in harmony with them? Clearly it is desirable, in the interests of morality and earnestness, that the people who make the laws here should *ex animo* hold with the principles and the opinions of the people who send them. But surely this is at most a matter of secondary importance. I admit, indeed, that it is desirable in a secondary degree, in the interests of abstract morality, that the measures promoted by representatives should be absolutely in harmony with their own fixed and matured convictions; but I cannot admit that the absence of this most desirable condition would be destructive to the principles of representative government, or would create what is somewhat vaguely called the reign of demagogy. But beyond this I must ask the House, do they think that this evil condition of things is unknown or rare under existing circumstances? Do Members always now hold in their inmost hearts with the principles they are sent here to advocate? and, furthermore, are there not special evils under existing relations which might be expected to cease, or at least to be diminished, with an unlimited power of choice by the constituencies? To flatter the people is mean and injurious enough; but I am not sure it is more mean, and I think it is not so injurious, as bowing before the temptations of a Government. I return for a moment to the last portion of the passage I have quoted—namely—

> "That if emolument were to be gained by persuading the multitude that ignorance is as good as knowledge, and better, it is terrible odds that they would believe and act upon the lesson—"

for the purpose of declaring that, in my opinion, it involves a gross libel upon the people, and shows how much such arguments are based upon a want of faith in the people. What ground has Mr. Lorimer for imagining that the people could be taught "that ignorance is as good as knowledge, and better?" Was it amongst the people that up to the last quarter of a century the saying was so rife—"Don't educate the people, or you will make them discontented with the situation in which it has pleased Providence to place them?" And now, from whence comes the demand, most loud and clear, for a national education, free, compulsory, and unsectarian, but from the masses of the people, who have most deeply felt the want? I ask again, Sir, what real ground is there for this theory, that in relation to political action all the ordinary principles of common life are to be reversed, that in regard to them alone it is held that the labourer is not worthy of his hire, or at least that the mere touch of Mammon—that is, the payment for services rendered—degrades and lowers the recipient? Is it supposed that there is something so pure and sacred in the profession of politics, that in regard to them alone all ordinary principles of action must be repudiated? Why, Sir, do we not pay all classes of employment and professions, some of which at least are ordinarily supposed to be of a higher and more elevated type? We pay our ministers of religion, although the same cynical observation as to the result of remuneration might be deemed applicable with greater force. Might it not be said that we were bribing one of the most important classes of the community to profess opinions which they did not hold, and, like Shakespeare's scurvy politician, seem to see the thing they do not? Do we not pay our doctors, and is not that open to the obvious remark that we give a pecuniary temptation to men, in whose hands we are all but powerless, to make us ill, and keep us so? We pay our Army and Navy, and is not this equally open to the remark that we create a class of men whose interests lie in war, and not in peace? Payment for services, I repeat, rendered to the community—payment sufficient to tempt men to devote themselves to the studies by which they may render themselves fit to exercise the various offices which humanity requires—is the rule of our society and of the world. We do not, it is true, pay M.P.s and J.P.s, and cynics have not been wanting to declare that it was doubtful whether the legislative functions of the one, or the judicial functions of the other, were performed with less efficiency or satisfaction. But, Sir, we even pay politicians, so soon as they become official politicians. Of course I am at once told—"Oh, that is quite a different thing; they have to devote their time and abilities to the public service." The inference is unmistakable: this devotion is not expected in unpaid Members of Parliament. Sir, that is my argument: where there is payment, duties are recognized; where there is not payment, the contrary is the natural inference. But I shall be told we can always find out of the leisure class men willing to undertake the duties of a Member of Parliament. Well, Sir, is not the same the case in regard to at least all the higher orders of officialism? Take the case of the right hon. Gentleman the Prime Minister—if he will permit me to allude to him in his presence—whose Leadership we on these Benches are so proud to follow, always excepting the occasions on which he turns sharp round upon us, and presents a revolver at our heads. Does anyone believe that the right hon. Gentleman, inscribing, as he clearly is, his name and principles on a page of his country's history—does anyone believe that the pittance he receives forms an appreciable incentive in his career? Sir, there attaches to officialism power, influence, patronage, unknown to the humble Member. I am really not sure that I might not use the *à fortiori* argument, and say that, if either Members or officials must work for nothing, it had better be the latter than the former. Yes, Sir, we pay politicians when they become official; but, more than this, we pay them with enthusiasm. An official who is unpaid is a dark stain upon the brightness of the Constitution. I well remember last Session with what indignation an hon. Member who sits on the front Bench opposite (Mr. Sclater-Booth) denounced the principle of official non-payment. He said—

> "Many gentlemen entering public life would, he felt, have some reason to be jealous at seeing a person appointed an officer of the Treasury without the salary which properly belonged to such an appointment, because he happened to be a nobleman possessing a large fortune.—[3 *Hansard*, cxciv. 847.]

Sir, I well remember how the hon. Gentleman spoke as though in his mind's eye he saw the bulwarks of the Constitution crumbling at his feet before so unprecedented an event. Sir, it would seem that our Constitution is of a peculiar and fragile composition: it is endangered if a young nobleman, with more money than he knows what to do with, consents to serve his country without pay; but it is still more rudely shaken if a poor man, chosen by a constituency to represent them, is enabled, by remuneration for his services, to fulfil them. Now, Sir, will the House permit me to ask what is, or what is thought to be, the character of this House, in respect especially to the existence of those personal and sordid interests which it is thought would so greatly prevail if Members were paid for their services? And I would remind the House that, with regard to the character of such an Assembly as ours, what is thought to be is only secondary in importance to what is, in reference to such character. Now, Sir, it would be a most invidious task for any Member of this House to criticize this august Assembly; for so humble a Member as myself it would be simply intolerable, and nothing should induce me to undertake the task. Still, I must be permitted to remind the House that the answer to this question is most important for my argument; for I might be told—"True, you have discovered a blot in our system in theory, but that is all; a better House, a truer representation of the people than we achieve, it is almost impossible to imagine. From amongst our numerous leisure class we find so many of the highest intelligence, the most thorough culture, the highest benevolence, and the most untiring devotedness, that under no system, however theoretically perfect, could improvement be hoped for. Do not fish in the troubled waters of innovation, in the vain hope of securing a greater prize." Now, I shall ask the House to permit me to read a short criticism upon the composition of this House, traced by no adverse hand; certainly, at any rate, not from a quarter likely to undervalue the existing from pure love of change. I quote from *The Quarterly Review*—

> "The House of Commons is growing less attractive and less easy of access than of yore to the best men, while it retains all its charms and opens wide its doors to the worst men. Those whom we most need there are not those who can most easily get there, or who most eagerly seek to be there. Those whom the country can well dispense with flock to it in scores, and step easily over the threshold. Those who have personal, professional, or class *interests* to serve, have every motive for entering Parliament. . . . It will be sought, too, by Members who deem it a fit appanage or a natural corollary of their social position, as well as by those who hope through it to attain or assert a social position which is not theirs by general consent or hereditary right. . . . . Partly for the same reasons, and partly for special ones applicable to themselves alone, the sons of noble families will still appear freely as candidates. The old sentiment — whether logically sound or not—that their wealth and social standing entitle them to a large share in the county representation, still lingers both in their own minds and in the minds of a considerable portion of the electoral body. . . . . . The squirearchy and the aristocracy, therefore, will never be lacking among the aspirants to Parliamentary honours. The same may be said of lawyers. . . . . There is yet another class of men who, so long as legislative processes remain unchanged, will always abound, and superabound, in St. Stephen's Chapel—viz., railway directors, and the managers and chiefs of other great companies, who, as we all know, are far more influential than is desirable for the public wellbeing. They have every motive for entering the House of Commons, and every facility for winning entrance. . . . . Another class of men, at least as undesirable, will always crowd the avenues to the House of Commons, and force, buy, or beg their way into it by swarms—viz., the *nouveaux riches*—those who have suddenly grown wealthy

> by lucky speculation or exceptional sagacity, and who wish to obtain by membership the one thing which mere money cannot purchase."

If that, Sir, be in any degree a true description of this House, I think all who hear me will allow that there is not much to be feared from such a change as I propose. Now, will the House permit me to compare the results at which, according to *The Quarterly*, this House has arrived, with the theory of what causes produce such results, according to the philosophy of Edmund Burke, and then see whether it does not appear that such and no other are the inevitable results flowing from the system which we maintain. Speaking on the question of remuneration for public service, he says—

> "Ordinary service must be secured by the motives to ordinary integrity. I do not hesitate to say that that State which lays its foundations in rare and heroic virtues will be sure to have its superstructure in the basest profligacy and corruption. An honourable and fair profit is the best security against avarice and rapacity. . . . For as wealth is power, so all power will infallibly draw wealth to itself by some means or other; and when men are left no way of ascertaining their profits but by their means of obtaining them, those means will be increased to infinity. This is true in all the parts of administration as well as the whole."

But, Sir, I can appeal to another and more modern authority on the condition of this House, and that is to the speech of an hon. Gentleman whom I do not now see in his place—I mean the Member for South-west Lancashire (Mr. A. Cross). That hon. Gentleman, in the Committee on Parliamentary and Municipal Elections which reported only the other day, opposed the introduction of the Ballot into this country; and one of the reasons he gave was its uselessness here, as compared with Australia, on account of "the absence of rich persons there willing to pay any sum of money for social position." Now, I ask that hon. Gentleman, and those who agree with him, what remedy do they propose for such a state of things? It is a frightful charge against the Legislature of the country, and not the less frightful because there is a great deal of truth in it. It amounts to nothing less than the declaration of a condition of hopeless corruption at present prevailing in this country, and likely to increase rather than diminish. Surely the hon. Gentleman—jealous, as I am convinced he is, of the honour of this country—could not intend to place his statement on the records of the House, and not propose some remedy; and yet, what remedy has been proposed? My hon. Friends around me believe in the Ballot as a remedy; but the hon. Gentleman opposite repudiates it as ineffective under the conditions which here prevail. I confess, too, that I have never been so enthusiastic about the Ballot as many of its more ardent supporters. My remedy is in the Bill which I am now pressing upon the House; and I ask again, what remedy does the hon. Gentleman propose? He says that in this country we have a wealthy class who seek entrance to this House for the social distinction which it confers; he describes the evil; he repudiates the Ballot, the remedy proposed. Then, I say, there are but two courses open to him, if he would cleanse the country from this stain; he must either confiscate the wealth of this corrupting class—which he, no more than I, would advocate—or join with me to cut off the temptation, to lower this House in the sense of social position, to degrade it from its existing character of the pleasantest club in the world, while elevating it to the higher dignity of a pure Legislative Assembly. When poor men, and men of the working classes, sit side by side with us, the social prestige of the House will be greatly changed, and the magic letters M.P. will no longer serve as the ticket of admission to the ball of a duchess or the dinner of a lord. Now, Sir, I must say a word in answer to a plea that I have seen urged against this measure—the plea of economy. It is said that the country would not stand the expense. Sir, I hardly know how to meet the objection. What! England—the richest country on the face of the earth—the only one that cannot afford to pay for honest legislation! Sir, if I am told that the country is already overburdened with taxation, and cannot stand this charge, I can only answer it by saying that, on that very ground, the country cannot afford not to pay its legislators, and that upon the simplest of all grounds, just as not one of us would accept the services of bailiff, steward, or butler, if he should offer to serve us without pay, because we all know that gratuitous work is generally not good work, and that it is cheaper and better to pay for work that is to be paid for directly and openly, rather than by some indirect and probably sinister mode. Sir, I venture to prophesy that in the first Parliament of paid Members a saving will be effected equal to half a century's salaries. If hon. Gentlemen think this a rather wild assertion, I will venture upon an illustration. I last year invited the House to refrain from throwing away the last £1,500,000 upon fortifications, whose usefulness no man is now found to maintain. I believe that a house of paid Members would have backed me in that demand. I believe, too, that such a House would make very great savings in our defensive system. Without impugning the efficiency of our Army, I may probably assert without opposition that, in proportion to effective strength, no country pays so much as we do. Upon this question of economy I shall ask the House to permit me to read one more extract, and it shall be the last, to see how differently the wise reformers of last century thought on this matter. In an address—dated 1781—from the York Committee of the Constitutional Association, to which I have already referred, I find this passage—

> "But though the corruptibility of Parliament may be justly dated from that innovation of royal authority [creation of small boroughs], the actual corruption of it was reserved for a more unfortunate period. The seeds of political depravity were for ages latent in the defective frame of the House of Commons; and it was possible they might still have remained there, in a state of harmless inactivity, if chance and the ill-judged parsimony of our forefathers had not presented to the Crown the opportunity of Parliamentary seduction. From the depreciation of money, the ancient salary paid by the counties, &c., to their respective Members had become too insignificant to be worth their acceptance; and from a most absurd frugality, the necessary augmentation had been improvidently omitted."

And this was signed, amongst a number of county magnates, by such men as the Rev. Mr. Wyvill, Chairman; the Earl of Effingham, the Dean of York, Sir George Strickland, Sir R. D. Hildyard, Sir James Norcliffe, &c., &c. That, Sir, is my case for payment of Members. But before I sit down I shall be expected to answer a question which has been addressed to me a great many times, privately, by hon. Members—"How much are you going to give us?" It would, Sir, be highly presumptuous in me to desire to dictate at this time to the House the exact amount to be filled up in the Bill—that can be more fitly inserted in Committee; but I should like, Sir, to be allowed to indicate very shortly my opinion upon this point. There are three clear gradations in respect of amount which might be adopted, depending upon the principle on which such payments should be based. The first would be to give such a sum as should be sufficient to tempt into the political arena men fitted by intelligence and education to do good service here, but who are entirely without independent fortune; and, Sir, I do not hesitate to avow myself an advocate for this principle. I conceive that the country loses a vast amount of available power by making wealth a condition of its being put to use. If it has ever happened to any hon. Member to advertise for a secretary, he has probably been astonished, and perhaps shocked, by the overwhelming number of replies from men of intellect, of education, and of character, all rushing in the hope of some poor pittance of perhaps £200 a year. Again, when we hear of men who have taken University honours working at the diggings of Ballarat or California, or eager to obtain a place as station-master on a railway, or even as engine-driver, I can hardly doubt but it will be admitted that the country fails most grievously to utilize all its valuable elements. I should say, Sir, that the amount to be given under this theory should be placed as a minimum at £500 a year. The second gradation to which I would allude will be applicable to the theory of giving just so much as would enable a person with the humblest desires to exist while serving in this House—such a sum as probably to any of us would be but a small proportion of the inevitable expenses attendant upon membership. When I say this, I have in my mind some such sum as £150 a year. The third gradation I mention is one which seems to have arisen in the minds of a portion of the working classes. Keeping steadily in view as the one object the possible admission of working men into this House—which, as the House will have observed, is only one of the objects in my mind—they have said—"Why should not those Members be paid, and those only, who, being without means, should make a declaration to such effect at that Table, and should thereupon be entitled to some such bare subsistence as I have already indicated?" Although, to some extent, such a plan would not be without precedent in the case of official pensions, it must be admitted that there are grave objections to it. It would tend to divide this House into castes, and would place the recipients in a false position, both outside this House and within it. Still, should the House be disposed to go thus far, and no farther—regarding it as but a stepping-stone to the full acknowledgment of the principle—I would gladly and thankfully accept it. It now only remains for me to thank the House very sincerely for the kind and patient hearing they have accorded me, and, in conclusion, to express my sincere conviction that the measure I have brought under their consideration is one eminently calculated to extend the usefulness and increase the efficiency of this branch of the Legislature, and therefore to raise it in credit with the country and in honour with the world.

Motion made, and Question proposed, "That leave be given to bring in a Bill to restore the ancient constitutional practice of Payment of Members."—(*Mr. Taylor.*)

MR. GLADSTONE: My hon. Friend who has made this Motion has predicted with much confidence that it will be carried within some reasonable period, and that the Septennial Act will be repealed and electoral districts established. Now, I do not at all think that the prospect of changes of that kind is so alarming that it need drive hon. Members out of their senses, or induce us to indulge in any vulgar outcry on those subjects. They ought each of them to be regarded upon their own merits. With respect to some I think their character is often misapprehended, and, as an example, I will take the subject of electoral districts. The plan for establishing electoral districts originally made its appearance in this country, I believe, as a part of the scheme of the Chartists, and from that circumstance it has been supposed to be a revolutionary, or at least a democratic and Radical measure. I know, however, that some Gentlemen think it open to argument whether it would be a Radical proposition at all. There may, no doubt, be much said against it, but much may, in my opinion, be likewise urged in its favour, apart from the question of its being more or less Radical or democratic. With respect to the particular question under the notice of the House, I must say my hon. Friend has made a fair contribution to-night towards realizing his own prophecies, for the subject he has brought forward could not have been better presented to the House and the country than it has been by my hon. Friend in his entertaining and also interesting and instructive speech. I hope my hon. Friend will not think I am aiming a revolver at his head if I say that, after having listened to such an interesting speech on the subject, I hope I shall not have the pleasure of listening to him again. I own that, looking at the whole circumstances of the time and the merits of the question conjointly, I do not think it is desirable that the House should entertain the question he raised. Let me say, however, in the first instance, that I do not recede in any degree from any part of the quotation which my hon. Friend made from the speech I delivered on the subject of introducing poor men into this House. To see this House composed and constituted of men who have received a limited education and are in dependent circumstances would be a most calamitous thing. But so far from that being a calamity which we have to apprehend we see the total exclusion of poor men from the House, and, with reference to that exclusion, I have spoken strongly in favour of the principle of the important measure proposed by my hon. Friend the Member for Brighton (Mr. Fawcett) with regard to the charges imposed upon candidates coming into this House, and, moreover, I have supported the measure, being sensible, at the same time, of the extreme difficulty which would attend any attempt to give it a perfectly satisfactory application in the present state of circumstances. Nothing could be more difficult than to make a satisfactory arrangement in respect to these charges; but I perfectly agree with my hon. Friend that, if possible, we ought to have a satisfactory representation of the less opulent portions of the community on the Benches of this House. How is that to be done? My hon. Friend reasons as if he thought that, by appointing payment for Members, you would neutralize the distinction at present existing between rich and poor in this country. I own, however, that I think it is a matter of great doubt whether it would have that effect. By giving to the rich man a certain salary you do not destroy his superiority over the poor man in his circumstances and external advantages. And we must not omit from our consideration that the tendency and disposition of the people of this country is to choose from among the more opulent classes those who are to represent them. It is not by the mere force of wealth, lavishly spent, that constituents are induced to return wealthy men. They themselves prefer to do so. No person, since the passing of the Household Suffrage Act, can have watched the comparatively slight efforts which have been made to open the doors of this House to the working men without seeing the immense difficulties that must be overcome. Supposing it to be open to the working man to come to the Table when he has got into the House, and to declare himself unable to serve his country unless he receives a salary—and I am far from seeing anything which is of necessity dishonourable or degrading in his so doing—does the hon. Member think he can make sure that we could get a single working man to make that declaration? I myself do not feel otherwise than extremely sceptical on the subject. It is not, after all, for the sake of introducing a mere handful of working men, even if we could be certain of effecting the object, that we ought to entertain the question of so large a change as that proposed by my hon. Friend. If it be desirable to open the House to those who are unable to support themselves during the time they are engaged in the discharge of their public duties here, it appears to me that we should have indications of that desire by the voluntary action of the constituencies themselves. We should have had such indications long before this. My hon. Friend has much faith in the voluntary principle. Now, what is there to prevent the members of a constituency from subscribing among themselves to enable a poor man to come into this House? I have heard—but I do not know whether it is true or not—of one instance of a person, who need not be named, but who, while he was here, commanded and preserved as much personal respect as any man among us, and the means of whose coming to London, and of paying his expenses here, were provided by the voluntary system. There is nothing to prevent a repetition of the experiment; but having been now in public life for thirty-eight years, I may say that is the only instance I can recollect. And yet, surely, if the measure of my hon. Friend would operate extensively in bringing poor men into the House, we should have had more indications of the kind among the constituencies, who, if they liked, might easily make the efforts necessary to secure the payment of such persons. It appears to me that if this subject were to be entertained at all, my hon. Friend, who has been so constitutional to-night, would do better if he kept still more in the road of the ancient Constitution, because the ancient Constitution knows nothing whatever about the little change which my hon. Friend slily slipped into his proposal of imposing the burden not on local rates, but on the Consolidated Fund. He skilfully skipped over, almost in a whisper, that part of the subject; but that is a most important and essential change. When the charge is locally levied it is an indication of a very strong sense in the local community of the necessity of the measure, and of the value of the services of the man; but if these payments are to be made out of the Consolidated Fund, then I must ask whether it is generally desirable that, irrespective of highly exceptional cases, which may be counted on one's fingers, we should alter entirely the practice which has so long governed our conduct with regard to the payment of Members. My hon. Friend does not question that this was originally a local charge, and that each community paid its own Members; but he says they were too niggardly, and therefore would not continue to do it; and, because they would not continue to do it, he proposes that we should cajole, wheedle, or induce them to do it by paying the charge out of the Consolidated Fund, in which case each community would be entirely insensible of its own share of the burden. The communities were, however, the proper judges of the value of the services rendered, and of the necessity for continuing the remuneration, and yet each and all of these communities, several hundreds in number, came to the conclusion that there was no sufficient reason for the payment of Members. They, therefore, all abandoned the practice, and all parties were satisfied with the result. My hon. Friend, I think, cannot conceal from himself that in one part of his speech his statements were less than accurate. He said that we had in this country no cases of gratuitous service except M.P.'s and J.P.'s. If that was strictly true, I should still doubt the policy of it; but surely it is very far from the truth. This country is full of gratuitous services; and whenever there is a public service to be done you do not pay for it unless you find it necessary to do so. I contend that that is a system well adapted to the circumstances of the country. If, indeed, you tell me that the service is ill done, that is another matter. My hon. Friend says you mistrust the butler who comes to you and offers to perform the functions of his office for nothing, and I quite agree with him. I remember hearing an anecdote of an individual who offered himself for a footman's place in London, and when the person to whom he applied put the question, "What wages do you expect?" his answer was—"Well, as to wages I am indifferent; the two things I look to are recreation and perquisites." Can my hon. Friend show that this House is fairly open to the charge of having its heart set upon recreation and perquisites, while it is obviously indifferent to wages? Let us see whether my hon. Friend has stated the facts of the case with perfect accuracy. We have gratuitous service in this House and in the other House of Parliament, although my hon. Friend has not stated what course he proposed to take with regard to the Lords, either Spiritual or Temporal. The Lords Spiritual are not yet relieved from their attendance in Parliament, and they are subject to divers expenses whenever they come to London. The Lords Temporal are, happily on the whole, very largely blessed with the external and material gifts of Providence, yet to some of them an addition might not be unacceptable. How does my hon. Friend propose to proceed with regard to them? But besides the Houses of Parliament, we have the great instance of the magistracy, and we have likewise municipal services. Excepting the cases in which mayors are paid, and I believe they are very few—[An hon. MEMBER: Half-a-dozen.]—the whole of the municipal service of the country is performed gratuitously. Then what are we to say about parochial services? All the persons connected with parochial offices, including the churchwardens of this country, who discharge, not only ecclesiastical duties, but also very important civil ones, are unpaid. Again, if we look at the defensive forces of this country, let us consider how large a portion of their energy, ability, and skill is arrayed, either for no remuneration at all, or for a payment so slight that it cannot be considered to represent the value of the service. Take, again the administration of the Poor Law. Why do we not pay Poor Law Guardians for their difficult and very responsible duties? Look, also, at all those miscellaneous public services which are performed in this country from time to time through the medium of Commissions. I see my hon. Friend the Governor of the Bank of England (Mr. Crawford) here; he has served the Crown not only in this House, but also upon Commissions of great importance, with much expenditure of both time and thought. Such services as those are almost invariably gratuitous, except where they involve to a great degree the exercise of professional skill. Sir, I think I have said enough to show that we are discussing a much wider principle than my hon. Friend appears to suppose, and that gratuitous service where it can be obtained, and is not worse than you would get by payment, is the rule and principal practice of the country. [Several VOICES: Remember jurors, grand jurors, and sheriffs.] I am reminded of the case of jurors, both grand jurors and those who sit in criminal courts, who also render gratuitous services, and there is no doubt that the list might be very greatly lengthened. Now, are the examples of other countries entirely applicable to this case? Is it true that the service that is rendered gratuitously in this country is efficiently rendered? Is there anywhere among all the Legislative Assemblies of all the countries of the world, which, as my hon. Friend has reminded us, are in almost all instances in his favour, though I think we might have found some more in our own Colonies against him; but admitting that the rule is with him, is it true that those Legislative Chambers are more distinguished either by laborious service or by conscientious service than this British House of Commons, which is admitted in all countries to stand at the head of the Representative Assemblies of the world? What Assembly is there that attempts and transacts such an amount of business? What Assembly is there in which not only the official Members—who, as my hon. Friend says, are paid, and I will go one step further, and say, are amply and liberally paid—but also all the other Members, without distinction of class, undergo so much personal effort and personal inconvenience, so much sacrifice of comfort and risk to health, really and truly arising out of the discharge of duty, as is done by the Members of this House? It is not, then, on the inefficiency of unpaid duty that my hon. Friend bases his arguments, neither is it with regard to those other classes of duty to which I have referred. But the truth is this—and let us not disguise it from ourselves—the condition of this country is peculiar. We have in this country a vast leisure class to which there is nothing parallel on the face of the earth. There is no country in which such an amount of wealth is concentrated within so small a space, and where, with respect to occupations, wealth being abundant in the market—if I may use a metaphor of political economy—commands but a small price. We have wealthy men in this country to whom wealth is nothing, because it is so common, but power, honour, distinction, the confidence of their countrymen, the favour of the Crown—all these things have value in their eyes; they are not money, but they are money's worth, and the public has no difficulty whatever in finding competent and qualified persons—the most competent generally, and the best qualified persons—to discharge all these offices without pay. There is one case, indeed, the case of the sheriffs, where you find an unpaid office regarded as a burden, and often and often have I been engaged in fastening that burden on the shoulders of men sufficiently unwilling. That is as regards the country at large, but is not this most curious? Go into those centres of society where wealth is most rapidly created; go into Lancashire, and there you find that the office of sheriff, so far from being shunned, is coveted with all its burdens, because public charge and responsibility, and the being chosen to be a servant of the Crown and guardian of the public peace is itself an object desirable in the eyes of the wealthy. The people of this country have many disadvantages with regard to public charges. They have a very heavy debt to bear, and they have to pay a very high rate according to the value of labour. I am afraid my hon. Friend himself threatens a considerably greater augmentation of the public charge than he allows. My fear is that if my hon. Friend goes into the market and bids for labour which he can get for nothing, a price on the part of the public, he will not only have to pay that price in that particular case, but he will also entail a similar charge in all other cases in which gratuitous service is now rendered, and he may also raise to an artificial height the scale for all paid labour now in the market. Be that as it may, I contend that the public enjoys the fortunate advantage of having plenty of persons who are ready to serve it for nothing, and that the public is entitled to the benefit. When there are numbers of well-qualified men ready to give their labour without being paid, why should we go out of our way and insist upon adding to the taxation of the country for the purpose of giving them a payment? I think we are only doing the public fair justice in taking advantage of circumstances which happen to be in our favour, and I shall hold to that argument until my hon. Friend shows me—for he certainly has not done so to-night—that by the large and general change which he proposes with regard to the basis of Parliamentary service, we should obtain more efficient and more valuable service for the public than we receive at present. That being so I think it would not be wise to entertain my hon. Friend's proposal. I know that there is a practice of allowing Bills to be introduced into this House and of taking issue upon the second reading, and so far it would have been recommended by convenience that if the Bill had been introduced in silence we should have had—the enemies of the Bill would have had—to grapple with my hon. Friend upon the second reading; and how in the world or when in the world he would have found a day for that secoud reading I cannot tell. Upon the whole, then, with regard to this proposal, which is almost entirely new to our Parliamentary annals—without attempting to invest it with an access of horror or of tragic circumstances, and without pretending that the Constitution is dependent on the rejection of the Motion—I must own to thinking that my hon. Friend has not shown sufficient cause to induce us to depart from those usages which are so widely extended, and so deeply rooted, and have so long continued in this country. Thinking that, and believing that, I am only expressing the feeling of the vast majority of this House when I say that we do not wish to entertain this subject with reference to any practical issue. I think the fairer and more manly course towards my hon. Friend is to tell him that, while we frankly acknowledge the benefit that all must have derived from his luminous discussion of the subject, it is better for us not to raise false hopes or to tantalize him by acceding to the introduction of the Bill, and then joining issue with him on the second reading. I would rather seek to avoid joining issue with him by appealing to the good sense which he possesses in such abundance, and asking him not to press this Motion upon the House, because I am convinced that many will be compelled to vote against a Motion of such a sweeping character as it undoubtedly is. Truly sympathizing with my hon. Friend in his heartfelt desire that we could see the representatives of all classes in this House, that they might join with us in promoting the public good—all voting upon a perfect equality, I am sure he will see that he would be placing us in a painful position, and rendering our sentiments liable to misconstruction if he were to press his Motion.

Mr. HIBBERT observed, that the hon. Member for Leicester had begun at the wrong end. Before such a measure as this should be introduced the way ought to have been cleared for enabling Members to get into this House by doing away with the large expenditure that now existed at Parliamentary elections. The legal expenses alone at the last General Election amounted to £1,250,000, and they might be considerably reduced, and indeed, as had been proposed, they might be thrown on the county and borough rates, and then the more humble class would be enabled to obtain seats in this House. In addition to the usual expenses of election, it was well known that Members of Parliament were called on from time to time for a considerable expenditure for charitable and other objects in connection with their counties and boroughs, and those additions to the real expenses of Members of Parliament ought to be got rid of before such a Bill as this was entertained. Again, if Members of Parliament were paid for their services, the same course ought to be followed in the case of the holders of municipal offices and the members of Boards of Guardians. On all these grounds he trusted that the Motion would not be pressed to a division—if it were, he should be compelled to vote against it.

Mr. ASSHETON CROSS said, the hon. Member for Leicester had referred to a Resolution which he (Mr. Cross) had placed at the end of the Resolutions passed by the Committee which sat last year on Municipal and Parliamentary Elections, and in consequence of that Resolution had claimed his vote in support of the Bill. But he could not allow such an inference to be drawn. The question before that Committee last year was, whether the example of Australia ought to induce us to accept the Ballot, and among the reasons which he recorded in the proceedings of the Committee for the view he entertained on the subject was that, while in England there were many rich men who were quite willing to pay any money for the social position given by a seat in this House, that was not the case in Australia. That was the reason why he recorded his Resolution on the books of the Committee. He wished also to remind the hon. Gentleman that, according to the ancient constitutional practice of England, all the magistrates throughout the country were paid as well as the Members of Parliament. In the name of the ratepayers of Lancashire, whom he represented, he protested against a revival of that practice. There were 800 magistrates in Lancashire, or as many magistrates as policemen, and he could not support a return to the old practice of paying them about 4*s.* a day each, and saddling the ratepayers with that additional expense.

Viscount BURY said, he had lived familiarly in some of the countries referred to by the hon. Member for Leicester in proof of the benefits attendant on the adoption of such a proposal as this, and his experience of them was that in those countries politics were degraded into a trade, and there was nothing like that public spirit which induced men in England to give their services to the State without reward or hope of reward. In France such a thing as gratuitous labour for the benefit of the State would not even be understood; Frenchmen could not conceive why people should give gratuitous services when they might demand adequate remuneration for them. He maintained that if the proposal under consideration were carried out the social distinction of that House would be destroyed, and a class of representatives would be introduced who would not be drawn from the highest, best-educated, and best-cultivated class of the community, but from the ranks below that class. ["Oh, oh!"] Gentlemen might protest; but he would reiterate that the new representatives, under the circumstances he had described, would not be so cultivated, and politics in England would be reduced to the level of what they were in some other countries. They might, in fact, descend to something like the "lobbying" system practised in the United States, where men of position and intellect were ashamed to avow themselves politicians. No doubt the American Congress contained Members of the very highest distinction, education, and honour; but the rank and file of that Assembly did not belong to that order. As an illustration of the depths to which politics had sunk in the States, he might mention that one representative had his travelling expenses challenged on the ground that he had charged five times the necessary amount. On being taxed with having done this, he replied—"Oh, but I came round Cape Horn." "Even then you have charged one-half too much," persisted the auditor. "Oh," was the response; "I came in a sailing ship, and there being a heavy head-wind on we had to tack about." The point of the story lay not in the jest that it contained; but the manner in which it had been received in Washington, where it was regarded as far from reflecting disgrace or dishonour upon the Member of Congress of whom it was related. Such a circumstance tended to show that a lower tone of political morality prevailed in America than in this country. If the principle of the payment of Members was adopted in this country, persons would endeavour to obtain seats in that House for what they could get. He recollected that when the question of increasing the remuneration of Members was before the Canadian Parliament, an hon. Member rose in his place and said—"If I am not worth five dollars a day to my constituents, I am worth at least that sum outside in the lobby, and there I shall go." It was because he believed that the high tone of political morality which now prevailed in this country would be degraded and lowered were payment to be made to Members that he should record his vote against the Motion of the hon. Member.

MR. COLLINS observed, that at the present time we should narrowly look at every principle before we adopted it. We were now adopting the system of compensation for disturbance, and if hon. Members were to be paid for their services in Parliament they would be entitled, in the event of a Dissolution, to compel the Treasury to compensate them for being disturbed in the possession of their seats. The cost to the Revenue would not be limited to the payment of such compensation, but would be increased by every long speech that an hon. Member chose to make. He was afraid he should not be able to give his vote in favour of the Motion.

Question put.

The House *divided*:—Ayes 24; Noes 211: Majority 187.

WATER SUPPLY ON SUNDAY (METROPOLIS) BILL.

LEAVE. FIRST READING.

MR. STAPLETON, in moving for leave to bring in a Bill to make better provision respecting the supply of Water to the Metropolis on Sundays, said, that, although this might seem to be a small matter, yet such a measure as he proposed would be a great boon to a very large population. It was a practice amongst certain classes to clean their houses on Saturday, and, in this manner, their supply of water was, to a great extent, exhausted; and yet, under the present arrangement, they received no further supply from the company on the following day. A good water supply on Sunday was of great advantage to those persons who wished to attend church decently, and even in the interests of temperance it was desirable; because if people could not get pure water, they sought to make it drinkable by the admixture of spirits, and if they had none, they went to the public-house. Mr. Green, the engineer of the East London Water Company, stated, before the Committee over which the present Chief Commissioner of Works presided in 1867, that 20 per cent of the houses in the district supplied by his company had nothing but an eighteen-gallon tub for the storage of water, and that many houses had no means whatever of storing water; that many of the water-butts were near water-closets; that the poor stored water by putting it under their beds; that some of them stole water from each other on Sunday. Even if the people could supply themselves with cisterns for storing water, the storing of water in cisterns would be a more fertile source of impurity than any pollution of the river from which it was drawn. A Report of a Royal Commission since that date quoted a Report of the Board of Health made in 1850 to that effect. Having become acquainted with this state of things, he had put himself in communication with the several companies which supply the metropolis with water, and he thought it right to say that they had met him in the fullest and fairest manner. The West Middlesex Water Company informed him that they already supplied water on Sundays to Marylebone and Paddington. They had since given a supply to Kensington, and intended to extend it to Hammersmith. That was satisfactory so far; but as the supply was merely given as a favour at present, it might be withdrawn at any time. At any rate, an Act of Parliament, making it compulsory, would do no injury to their company, and would enable its directors to resist any objections from shareholders; while it would also have the effect of preventing an alteration of the arrangement by any future Board. The Secretary of the Chelsea Waterworks Company stated that they were giving a half supply on Sundays. They put the water on in the poorer districts. It was hardly fair to the public to allow each Board to determine which houses should have water and which should not. The letter from the Grand Junction Waterworks Company was, in effect, much the same as that of the Chelsea Company, stating that they supplied a very considerable quantity of water on Sunday, and were not unwilling to go a good deal further in that direction. Again, the New River Company stated that they supplied 57,000 houses on Sundays, and were willing to supply as many more as was necessary. In his opinion, it was necessary that they should supply all houses. The East London Company—into whose affairs Mr. Ayrton's Committee inquired—did not give so satisfactory an answer as the West-end Companies, although it was far more important that the people of their district, who were mostly poor, and had much smaller cisterns, should have a Sunday supply. The East London Company rested their opposition to his proposal entirely on one ground. They said that about 40 per cent of their district was supplied on the constant system, and they were prepared to carry out that constant system as soon as the inhabitants made the proper alterations that were required to prevent the enormous waste that would otherwise ensue. They also said the company had always been ready to furnish a Sunday supply when needed in times of epidemic and other special cases. By giving a Sunday supply in times of epidemic the company admitted its necessity, and by withdrawing it at the end of one outbreak of epidemic disease they laid the foundations of another. The company raised no objection to a regular Sunday supply, except that it would retard the extension of the constant supply system—a system good in itself, but difficult of attainment, because involving very considerable expense, to be incurred, not by the persons directly interested only, but by their landlords. The Southwark and Vauxhall Company stated that they supplied the whole of their metropolitan, but not their suburban district. The Lambeth Company answered very much in the same terms as the New River and the Grand Junction Companies. The Kent Company made the objection that a great part of their district was not in the metropolis; but Greenwich and Woolwich might be reckoned within the metropolitan area. He took the metropolitan district as defined by existing legislation, and he proposed that the penalties under his Bill should be the same as those prescribed by an existing Act—namely, £200 for the first offence, and a continuing penalty of £100 per month, to be enforced through the action of the Board of Trade. The hon. Gentleman concluded by moving for leave to bring in the Bill.

Colonel STEPNEY, in seconding the Motion, said, the water supply both for the better class of houses and for the worst in the metropolis was deficient at present; and, under ordinary circumstances, water was more likely to be wanted on Sundays than on week-days.

Dr. BREWER said, he had for several years investigated the subject, and found the principal difficulty was not to prove that the artizan and labouring classes were not supplied with water on the Sunday, but to determine how the supply could be secured to them consistently with the interests of the various water companies. In the majority of cases the supply at lodging-houses was insufficient to last from Saturday to Monday morning. Having regard to the practice of flushing the sewers, the absence of a supply of water on a hot Sunday had a prejudicial effect on the health of a locality, and to a defective supply of water those epidemics, which from time to time broke out in the metropolis, might be traced.

Mr. SCLATER-BOOTH concurred in the object sought by the promoter of this Bill. No doubt the metropolis, as a whole, was still very inadequately supplied with water; and irrespective of all other considerations, a Sunday supply ought to be added to the weekday service. And now one word upon the larger question of a constant, as compared with an intermittent, supply. He had the honour of sitting on a Committee, presided over by the First Commissioner of Works, who was thoroughly conversant with all that could be urged on this very important subject. He would suggest to the Home Secretary to hand over to the First Commissioner of Works the duty of seeing that the metropolis was furnished with a proper water supply, and he had no doubt that right hon. Gentleman would be able to produce a comprehensive scheme. It was a discreditable thing that this metropolis, with its enormous wealth and importance, should be supplied with water in a way far inferior to Glasgow or Manchester. It was true, it was not easy to compel the water companies to afford a constant supply without making householders provide proper taps and adequate means for preventing the enormous waste that would otherwise arise. This, however, was clear, that it was the duty of Parliament to take care that a constant supply of fresh water was within the reach of every occupier in the metropolis. Concurrently with the Committee of 1867 a Royal Commission sat, which was presided over by the Duke of Richmond, and two very important plans were laid before it, one of them apparently very alarming from its magnitude and costliness. The Royal Commission reported against that scheme on the ground that there was in the valley of the Thames sufficient means, if adequate storage were provided, for greatly increasing the present supply. He wanted to know whether the Government had taken the recommendations of that Commission into their consideration; and, if so, what decision they had arrived at? He had observed, within the last few days, that the Conservancy of the Thames had withdrawn a plan which seemed to have within it the elements of what had been recommended by the Commissioners. If so, a good opportunity appeared to have been lost.

Mr. CLAY said, that having been connected with water companies during the greater part of his life, and, having been chairman of two of the principal companies in London, he wished to say a few words on this subject. Some fifteen years ago there was, no doubt, a very deficient Sunday supply in the metropolis; but that was not on account of any indisposition on the part of the water companies to meet the public wants; but in deference to the feeling which it would be recollected prevailed very generally against labour of any kind on the Sunday, and which found a remarkable manifestation in the closing of the Post Offices, both in London and the country, by vote of that House. After that time this feeling diminished so far that the water companies were enabled by degrees to give a Sunday supply. The letters from the officials of the companies, to which his hon. Friend referred, contained in a small compass an account of the position which the water companies occupied with the exception of one, the Kent Water Company. What they stated came to this—that for a long time past the companies had supplied all their poorer districts. The hon. Gentleman had spoken of "the distribution" of water on the Sabbath; but the House should recollect that the companies could not compel the owners of small houses to take their water, and an immense number of the smallest and poorest houses, which would be most benefited by the water supply, were not tenants of the water companies. Another thing was this, the companies could not make a man enlarge his cistern; all they could do was to fill it, and if the small houses had cisterns large enough there would be no difficulty. For years past it had been the rule to give a water supply on Sunday to those who asked for it, and if anyone wrote to the West Middlesex Company—if that was the one referred to by the hon. Gentleman—or to the Grand Junction, if that was the one, he would have a supply next Sunday. The only persons who had not a Sunday supply were either those who had furnished themselves with capacious cisterns and did not need it, or, a not inconsiderable class, chiefly suburban, who, the House would be surprised to learn, objected to hearing the water fall into their cisterns as an abomination, because they knew it caused work to be done by some on the Sabbath day. He would not object to the first reading of the Bill, nor probably to the second; he would only say that it was spurring a willing horse. The conditions of a satisfactory water supply were simple enough. They were, that the water should be perfectly good and the supply of it sufficient. As to the first of these conditions, the Committee presided over by the right hon. the Member for the Tower Hamlets (Mr. Ayrton), and the Duke of Richmond's Commission, both admitted that the quality of the water was as good as could be desired, and the sufficiency of the supply was only a question of the largeness of the cisterns, for if large cisterns were provided the companies would fill them. The intermittent had an advantage over the continuous supply. In the course of the year 4,000 or 5,000 accidents occurred through the bursting of mains and pipes. Under the system of cisterns you knew nothing of these accidents; but under the constant supply system the supply must be stopped during the repair of the pipes.

Mr. BRUCE said, there could be no question that the Bill was well worthy of attentive consideration. It was only a contribution towards a larger subject; because any person who had considered the question must see that the time was near at hand when the whole matter must be considered, and when the proposal for giving a regular supply, and compelling every house to receive a regular supply, must be entertained. His own opinion was that no satisfactory arrangements would be made for a proper supply of water until a better system of local self-government was provided. That appeared to be a necessary condition to secure a sufficient supply, and by that means many towns had already obtained it. All he could say on the part of the Government was, that when his hon. Friend introduced his Bill it should receive their attentive consideration.

Motion *agreed to.*

Bill to make better provision respecting the supply of Water to the Metropolis on Sundays, *ordered* to be brought in by Mr. Stapleton, Colonel Stepney, and Dr. Brewer.

Bill *presented,* and read the first time. [Bill 94.]

HOUSE TAX.—RESOLUTION.

Mr. Alderman W. LAWRENCE, in rising to move—

> "That the House Tax is unequally and unfairly assessed, imposes unnecessary restrictions upon the construction of buildings specially adapted for the working classes, and ought to be repealed,"

said, he was anxious to bring the subject before the House previous to the Chancellor of the Exchequer's statement on Monday next. The house tax was a rare example of a tax that had once been repealed, being re-imposed with all its former restrictions, regulations, and anomalies. It was abolished in 1834; but in 1851, when the window tax was remitted, the house tax, moderated in amount, was re-imposed. Many people thought the duty applied only to those who had good incomes and occupied good houses; but it really pressed heavily on the working classes in London and other large towns. The price of land was rising every day, and the result was, instead of a number of small houses being built covering a large space of ground, it was necessary to build larger houses, which were occupied, room by room, by working men and their families. These houses, being rated at more than £20 a year, were liable to the duty of 9*d.* in the pound, and the landlords in order to recoup themselves were compelled to charge 1*s.* in the pound upon the tenants who occupied their rooms. Not only did the tax in such cases lead to an increase of rent, but it interfered materially with the construction of houses intended for the use of the working classes. In the nine blocks of houses built by Sir Sydney Waterlow's company, where the proportion of rent to the wages of the tenants was exactly one-fifth, and the average rent of each of the 819 families occupying rooms was 5*s.* 8½*d.* a week, the buildings were rated to the property tax at £8,628, and the house tax, which upon this assessment amounted to £310 8*s.* 6*d.* a year, was saved because there was no front door to these dwellings. There was a public staircase, and each tenement had an entrance door from it, and persons who chose to build in this form might avoid payment of the house tax altogether. The Corporation of London had done so; but the tax was paid upon the dwellings erected by Miss Burdett Coutts, and the Peabody Trustees and others, who had not conformed to this plan. There were objectionable features about houses of this kind, arising from the lurking-places afforded by them to persons of bad character, and he believed the police had already declined to take charge of these open staircases on some of the beats. Imagine the Seven Dials with the doors off all the houses in order to save the house tax. The Chancellor of the Exchequer would lose, and extra police would be required. It must be remembered that these large blocks of buildings erected by Sir Sydney Waterlow and others did not meet the requirements of the great mass of the working people, who were compelled to live in inferior dwellings, and to pay their share of the duty. Yet we all professed great anxiety that the working classes should live in houses more conducive to decency and order; and, indeed, the great problem of the day was the better housing of the working classes. We had passed laws enforcing drainage, water supply, &c., and all these things raised rents, increased the difficulty of building separate houses, and rendered it inevitable that the working classes should be accommodated in houses that could be sublet to several tenants. The consequence was that in London and large towns families lived in single rooms, with far less accommodation than was enjoyed by those in the country who were receiving less wages. There were miners and workers in mills who lived in comparatively good houses, because land was cheap. We ought to aim at providing all families with at least two rooms, and this could be done only by lowering rents or raising wages—the latter, the House could not do; but they could take of the tax upon those dwellings. We had taken off taxes on food and clothing; but we had taxed lodging until the small-wage class were obliged to live in places that were a disgrace to civilization. The repeal of the house tax would afford a double relief; for not only would the tax be saved, but the removal of the present restrictions would allow houses to be built more convenient for the working classes. The house tax pressed very lightly upon the baronial residences and mansions of the rich, because it was laid upon the amount of rent which it was presumed they would let for; and as most of them could not be let for anything like their value, the tax upon them was only nominal. Houses that had cost £200,000, £300,000, and even £500,000 were rated at only £200, £300, and £500 a year. Two friends of his, who were large merchants in the City, had each built a mansion at the cost of £20,000, and one was rated at £60, and the other at £80 a year; and close by them was the mansion of a noble proprietor who had spent £30,000 in improving it, and he was rated at only £100 a year. These facts justified him in saying that the tax was unequally and unfairly assessed. No doubt the Chancellor of the Exchequer could quote political economists who defended a house tax in the abstract; but who always insisted that it ought to be fairly and equitably assessed; for John Stuart Mill had stated that—

> "The public were justly scandalized on learning that residences like Chatsworth or Belvoir were only rated on an imaginary rent of, perhaps, £200 a year, under the pretext that, owing to the great expense of keeping them up, they would not let for more; probably, indeed, they could not be let even for that, and if the argument were a fair one, they ought not to have been taxed at all."

It was true that the tax produced as much as £1,000,000 a year; but the Chancellor of the Exchequer could not better apply a portion of his large surplus than in dealing with it, and relieving the lodgings of the poor from the pressure of this tax, which was abolished in Ireland in 1822. Any attempt to make it equitable or just would most certainly fail. Another grievance was that small manufactories connected with houses were assessed to the tax, while the large manufactories were exempt; and he wondered that the teetotallers had not taken up the question, because coffee-houses paid 9*d.* in the pound, while public-houses and beer-houses paid only 6*d.* in the pound. The fact was that Sir Charles Wood, when he removed the window tax in 1851, reimposed the old house tax of 1808, without the slightest care to adapt it to the modern circumstances of the country, or to modify its gross inequalities and remedy its injustice. There was one matter he wished to bring under the notice of the Chancellor of the Exchequer, because the idea of that right hon. Gentleman was that the working classes, being exempt from the income tax and some other duties, were lightly taxed. Now, if the subject were discussed from that point of view, he should be able to prove that the working classes paid a larger share to the Revenue in proportion to their incomes in respect of the duties on malt, spirits, tea, sugar, and tobacco than was paid by those whose income amounted to £10,000, £20,000, or £50,000 a year. The hon. Gentleman concluded by moving his Resolution.

Mr. COLLINS, in seconding the Resolution, called the attention of the President of the Poor Law Board to the unequal manner in which the value of large houses was assessed. A gentleman's large house in the country, which might have cost £20,000 to build, was often assessed at the ridiculous low sum of £100 a year, because it would not let for more than that sum. This was felt to be a great grievance by tradesmen who had taken large premises for the purpose of carrying on their business, and were assessed at a much higher rate. There ought to be some other mode than the present for computing the value of large mansions, and he would suggest that the occupiers of them might be assessed on the selling value of the premises.

Motion made, and Question proposed,

"That the House Tax is unequally and unfairly assessed, imposes unnecessary restrictions upon the construction of buildings specially adapted for the working classes, and ought to be repealed."—(*Mr. Alderman Lawrence.*)

Mr. STANSFELD trusted that his hon. Friend the Member for the City of London would not consider him disrespectful if he declined at that late hour to follow him throughout his arguments. The argument of his hon. Friend was to the effect that the house tax was unjust, unequal, and oppressive in its incidence on the poorer part of the population; but his argument fell far short of that wide and sweeping proposition. The tax, as was stated by the hon. Member, was repealed in 1834 and afterwards re-enacted; but his hon. Friend forgot to state that previous to 1834 the house duty was imposed on houses down to a rental of £10, and that now all houses below the rental of £20 were exempt from the duty. It was well worthy the consideration of the Chancellor of the Exchequer or of the President of the Poor Law Board, whether there might not be some alternative mode of assessing large houses, which were let for a rent not at all representing the interest of the money spent in their erection. With respect to the allegation of the oppressive nature of the house tax—which, at any rate, did not fall on the poor who lived in separate tenements under a £20 rental, he desired to state that in 1832 the house duty and window tax, which might be placed on the same footing, amounted to £1,040,000; whereas the assessment for the house duty in Middlesex was at present not more than £400,000 a year, though the value of property must have increased 300 per cent. The hon. Member did not prove his case by stating that there were some hardships and inequalities in the house duty, because there was hardly a tax not liable to the same objection; but the question was whether, looking at the whole financial system, the house duty was a tax which ought to be first repealed. He believed that Parliament would not be of that opinion, for the tax now objected to by the hon. Member had the merit of falling on occupiers in a very fair proportion to their ability to pay. It was a direct tax, and free from the objections urged against the income tax; and, at any rate, it was not, all things considered, standing first for repeal as a tax falling on the labour and industry of the country. For the secrets of the Chancellor of the Exchequer, hon. Members must wait till Monday; but he did not think that, on the whole, the house tax was a bad tax, and he could not hold out to his hon. Friend any hope of its repeal.

Mr. Alderman W. LAWRENCE said, he should not divide the House on the question; but he was quite convinced that when the Chancellor of the Exchequer attempted to tax equitably the princely houses and mansions throughout the country, it would be found that the easiest plan was to abolish the tax altogether.

Motion, by leave, *withdrawn.*

PUBLIC SCHOOLS.

MOTION FOR AN ADDRESS.

Mr. T. HUGHES, in rising to bring forward the Motion of which he had given notice, said, it would be remembered that in 1861 the Public Schools Commission was appointed, which reported in 1867; and in 1868 the House passed an Act known as the Public Schools Act, under which the then governing bodies of seven great public schools were empowered to reconstitute themselves by a certain day—the 1st of May, 1869. In the event of their not so reconstituting themselves the powers which were thereby given to them were handed over to Her Majesty in Council. Under the authority of the Act two of the great schools—Eton and Westminster—had reconstituted themselves; the five other great schools did not reconstitute themselves, and the consequence was that their power lapsed as was provided by the Act. The special Commissioners had considered the case of those schools, and passed the statutes which should form the future constitution of their schools. In each of these statutes the qualification of the future members of the governing bodies was made to depend on membership of the Church of England. By the 19th section of the statute, it was provided that the statutes by which the schools were in future to be governed should be laid on the Table for forty days, the object being to enable the House, if it should think fit, to tender advice to Her Majesty as to those statutes. Now he intended to cast no reflection whatever upon the conduct of the Commissioners, of which with one or two exceptions, he entirely approved; but to the necessity of membership of the Church of England he entertained a very strong objection. He believed it would be bad for the schools—that the distinction between endowed and public schools was an unfortunate one. He had applied to the authorities of Rugby for their opinion, and one of the senior Masters—a representative of the majority of the Masters, had declared himself emphatically in favour of the Motion. There was also a Petition signed by a large body of the assistant Masters of Harrow to the same effect, and though the head Master had not signed it Dr. Butler had written to him, saying—

> "It seems to me that if the Nonconformists claim to be eligible, their claim cannot fairly be resisted. Personally, I should be sorry to think that a school like Harrow was obliged to look for its governors beyond the bounds of the National Church; but I do not believe that the interest of the school could be fostered by a system of legal exclusion."

He also believed that the system in question would not only be bad for the schools, but bad for the Church of England. There was still much distrust of the Church of England existing in the minds of the great body of the Nonconformists in this country, and the only way in which that jealousy and distrust could be done away with was that the Church of England should no longer claim any exclusive privileges whatever. It would be a great misfortune for the Church of England if such a proposal as this should be passed, and if the seven great schools of the country were to be handed over to her as an exclusive appanage. It would be a shackle upon her rather than an increase in her strength. Besides these reasons for addressing the Crown he contended that the present Parliament would stultify itself by allowing these constitutions to go unchallenged after the course taken in regard to the Endowed Schools Act in 1869, the first year of the Reformed Parliament. The 17th clause of that Act declared that no person should be disqualified for the governing body of one of the endowed schools on account of religious opinions. No real difference existed between the public schools and the endowed schools, and it would be mischievous to both to establish any. One other reason which he would press upon the Government in support of this Motion was the difficulty in which their supporters were placed with respect to the great question of primary education. It was of great importance that the Government should make a distinct declaration upon this point, for the warmest supporters of primary education were divided sharply into two camps—those who favoured purely secular instruction and those who believed in the possibility of a religious system of national education. How could the

Nonconformists be induced to believe in the possibility of establishing this perfectly fair common ground of religious instruction in primary schools unless in the higher branches of education also they were assured that they would receive perfectly fair play? In these seven great public schools the large majority of the legislators in both Houses of Parliament were educated, and if these seven schools were all reserved as appanages of the Established Church, how could they expect to be looked upon otherwise than as a dominant sect? He trusted, therefore, the Government would see their way to supporting the Motion, and that the Nonconformists would thus receive the assurance that both in the highest class of education and in primary education they would receive perfectly fair play.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying Her to be pleased to order that in the five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, the words requiring membership of the Church of England as a qualification in the case of persons elected or nominated members of the governing bodies may be omitted."—(*Mr. Thomas Hughes.*)

Mr. MOWBRAY moved the adjournment of the debate. At such a late hour it was perfectly impossible to enter upon the discussion of so large a question. Without taking into account the advanced hour to which the House had sat the night before, the Speaker that day had been in the Chair since two o'clock, and would have to take the Chair at twelve o'clock to-morrow. Moreover, there had been a general understanding that the debate would not be proceeded with that night, in virtue of which his right hon. Colleague in the representation of Oxford University had left the House, and also the two Members for the University of Cambridge; and not only they but the First Minister of the Crown had left. He knew also that two of the Public School Commissioners —the Recorder (Mr. Russell Gurney) and the Solicitor General—who were both prepared to take part in the debate, and to defend the recommendations of the Commissioners, had left the House with the full understanding that the debate would not come on.

Mr. BRUCE said, he trusted his hon. Friend would accede to the Motion for adjournment. Had the debate proceeded he should have been prepared to take up the Motion and to give to it a hearty and undoubted support; but, considering the importance of the question, he thought it would prevent a fair discussion if they were to debate it at that hour, especially in the absence of the two Public School Commissioners to whom reference had been made, who, no doubt, would have had some observations to make. The matter was one well deserving the attention of the House, and he trusted his hon. Friend would press it upon the earliest possible day that the discussion could be renewed. He would suggest Friday for the purpose, when facilities could, perhaps, be given him for bringing it on.

An hon. Member suggested that unless the debate were proceeded with at once the supporters of the Motion might be precluded from moving the Address, which it was very desirable to carry at once.

Mr. BRUCE said, that until the debate was terminated no Order in Council would pass.

Debate *adjourned* till *Friday*.

House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, 6th April, 1870.

MINUTES.]—Public Bills—*Ordered—First Reading*—Lodgers' Goods Protection * [96].
Second Reading—Sites for Places of Worship [10]; Juries [32].
Referred to Select Committee—Juries [32].
Select Committee—Felony [9], Mr. Solicitor General and Mr. Staveley Hill *added.*
Committee—Attorneys' and Solicitors' Remuneration [6]—R.P.
Committee—Report—Evidence Further Amendment Act (1869) Amendment [20]; Petty Customs (Scotland) Abolition * [72-95].
Withdrawn—Summary Convictions [50].

SITES FOR PLACES OF WORSHIP BILL.

(*Mr. Osborne Morgan, Mr. Bouverie, Mr. Hinde Palmer, Mr. Henry Richard.*)

[Bill 10.] second reading.

Order for Second Reading read.

Mr. OSBORNE MORGAN, in moving that the Bill be now read the second time, said, its purpose was to facilitate the acquisition of Sites for Places of Worship and Schools. The question raised by the Bill was, he would venture to say, of the gravest importance—it was, whether those powers which had been constantly exercised over private property for purposes of public utility should be extended to purposes of far greater utility—the worship of God and the education of the people? Nor could it be said that the legislation he proposed was a new application of an old principle. When, in 1848, the great religious movement took place in Scotland which ended in the Free Church, owing to the dislike of the landed proprietors, there were many cases in which the seceding congregations were unable to obtain sites for their churches and manses. To remedy this grievance the right hon. Member for Kilmarnock (Mr. Bouverie), whose name was on the back of this Bill, introduced a Bill similar in principle to this, and the second reading was affirmed in a House much less Liberal than the present, by a majority of 3 to 1. On the third reading, however, for reasons which he did not understand, the Bill was thrown out by a majority of 39. Now, he admitted that, in order to bring himself within the principle of that Bill, it was incumbent on him to prove two things—firstly, that there existed a necessity for legislative action; and, secondly, that the legislative action proposed did not involve any wanton or unnecessary interference with the rights of private property. He could not, of course, call his witnesses to the Bar of that House, or he could very easily make out a case for the interference of the Legislature, nor had he the advantage which his right hon. Friend had on the previous Bill—a preliminary inquiry by a Select Committee—and he would endeavour to avoid what he had been charged with doing on a previous occasion—"rely upon the tattle of provincial newspapers"—nor would he cite private communications, however trustworthy; for by so doing he was sure to bring down on his head a flood of contradiction and recrimination from correspondents who did not always prepay the postage. He would cite no instances in support of his Bill which he had not himself personally investigated, and, unless challenged to it, he would not mention names. No doubt he should be met with the observation that the area of the grievances of which he complained was very limited, and that the cases of actual grievance were exceptional; and this was true. No doubt in England, where the land was held by many owners, there was no practical difficulty in obtaining sites; but in Wales, where the land was possessed by a few great proprietors, the congregations were at the mercy of those few persons; but even in Wales the cases where the landowner refused to listen to such applications were, he was happy to state, few. But how much of their legislation—and, especially, preventive legislation—was founded on exceptional cases? What was the Irish Land Bill but a piece of exceptional legislation? What was the Irish Peace Preservation Bill but a piece of exceptional legislation? He would call the attention of the House to a few instances of undoubted grievance which seemed to call for the interference of the Legislature. In his own county in 1866, in a parish small at first, but which had gradually increased, there was a Dissenting chapel which, as originally built, was sufficient for the wants of the community; but these had outgrown the accommodation, and land was required to enlarge the chapel. A memorial was prepared and presented to the landlord, stating that all his tenants required was a little bit of land to enlarge the chapel on either side, or they offered to convert the chapel into the minister's house and build a new chapel. Their request, however, was peremptorily refused. They did not get the land; but they succeeded in obtaining from another party a site about a mile from where they wanted it, and they had to pull down both chapel and minister's house, the building materials being of no more use to them than if they had been cast into the sea. He thought that a very wanton exercise of the rights of property. There was another case of refusal, by a man of the highest liberality, the reason for which he could not understand. In a district which had sprung up with a constantly increasing population, a school site was wanted. There were several National Schools in the locality, but no British School. Application was made for a site. The landlord said he would put it in a district which was already served by National Schools. The parties considered that would be of little or no use to them. They pointed out three sites, any one of which they would be very glad to get; but the answer they received was that none of those sites would be given, because they were too near the National School, and in view of the parsonage. From that day to the present no site had been granted. In a third case he had some difficulty in translating the answer into anything like presentable phraseology. It was to this effect—that sooner than sell or give land for a site, the owner would see the memorialists relegated to that locality to which very High Churchmen were periodically in the habit of consigning such of their fellow-men as were unfortunate enough not to be able to fathom the mysteries of the Athanasian Creed. He knew of other cases in which grants had been given; but the parties, who remained tenants-at-will to the landlord, gave their votes with the risk of confiscation hanging over their heads. Even in London, he believed there was great difficulty in obtaining sites either for places of worship or schools, most of the property at the West-end being in the hands of large landowners, whose leases contained restrictive covenants to that effect. Only the other day he received a letter from a clergyman in Holborn approving this Bill, and stating that he had the greatest difficulty in obtaining a site for a school, and was compelled to resort to a disused cemetery. There was a covenant by the lessee of a landed property of this nature—

> "That he would not use the premises, or any part thereof, for the purpose of a school or seminary, or for any trade or business of dealer in horse-flesh, cats'-meat, dogs'-meat, slaughterer, melter of tallow, or any other offensive business whatsoever, or suffer anything to be done on the premises that may be or grow to be a nuisance or disturbance to the said lessor."

Experience showed that a compulsory power of taking land for the site of schools was necessary; but the right hon. Gentleman (Mr. Forster) in his Education Bill expressly excluded himself from this, which was the only power worth having, and without which the Bill would in many cases be a dead letter. Nothing was more unjust than to impose on a neighbourhood an obligation, and, on the other hand, to take away from the community the power of fulfilling it. In Mr. Bowstead's Report to the Committee of Council on Education he stated —

> "Another question, which is of importance as affecting the progress of education in my district, is that of school sites. I constantly meet with cases where some single individual is lord paramount of a whole district, and where that individual or his agents refuse either to give or sell a piece of ground for the erection of school premises, however pressing may be the want of them. Sometimes objection is made to the proposed school because it is a British one, sometimes because it is to be under inspection, and sometimes simply because it is a school. Occasionally it happens that where there are two or three landowners in a place each of them has some one of these objections to urge. . . . . Now, it seems to me that a remedy should be sought for grievances of this kind, and that an adequate one might easily be found. Let a public officer be sent to report upon all such cases as I have alluded to, and in the event of his deciding that a school is wanted, let power be given by Act of Parliament to some public authority to summon a jury to have a value set upon the land that is required, and to compel the owner to give it up on receiving its price. If it be said that this would inflict a hardship on the landowner, it may be replied that it is certainly not a greater hardship than the compulsory taking of a man's land for a railway, and that the necessity is quite as urgent. No general system of national education can ever be extended over the whole country without having powers of this kind granted to the administering department, and the landowner, who brings a large population to live upon his property, has clearly no more right to keep them in ignorance than he has to keep them without roads."

That was the whole argument in favour of his Bill. He knew a gentleman, formerly a Member of the House, and still living, who made it his boast that, upon his death-bed, his dying consolation would be that he had not given a single sixpence or sold an acre of land for the purposes of education. No doubt that was an exceptional case—if it were not so, English society could not cohere. He had been urged to divide the Bill and restrict it to schools; but both schools and places of worship were of public utility: and it could not be called a Dissenting Bill, for it applied to churches as well as chapels. Surely churches and schools were of as much "public utility" as the construction of a railway or a harbour. He had inserted, or he was willing to insert, any reasonable safeguard which the House might consider necessary for the landowner. If this were done the landowner would be really better protected against any attempt to invade his property under the Bill, than he was at present against the encroachments of a railway company. It was quite true that before a man's property could be taken by a railway company a Parliamentary inquiry was necessary; but, if the safeguard which he proposed—namely, that no order under the Bill should be made absolute until confirmed by Parliament were introduced, the landowner would have exactly the same safeguards as he had against a railway company, with this difference, that the inquiry under the Bill would take place after, instead of before the making of the provisional order, which, if anything, was a difference in favour of the landowner. Then again, there was the protection which the landowner would have in the nature of the tribunal to whom the application was to be made, and in the cost of a proceeding under the Bill, which would be considerably greater than that of proceeding by private agreement; so that, excepting in extreme cases, the compulsory clauses of the Act would never be resorted to. Moreover, they must not think that even if the Bill became law, and the Act should very seldom be called into operation, that it was a mere dead letter. He was much struck the other day by the argument of a French senator when defending the retention of capital punishment. He said that capital punishment was a very useful thing to have even if you never inflicted it. And if he were asked what good he hoped to do by this Bill, if it be so seldom resorted to, he should be tempted to give the same answer which old Lord Auchinlech gave to Dr. Johnson when Johnson pressed him with the question—"What good did Cromwell do to his country?" "Gude sir," he replied, "he gar't kings ken there was a lith in their necks." If they would only make these landed kings understand that "there is a lith in their necks," he thought they would hear very little more about refusals of sites for chapels and schools in future. And now just one word more about the supposed infringement of the rights of property about which so much had been said. Did they not every day infringe those rights for purposes, the importance of which would not bear comparison with the purposes which he was advocating. His right hon. Friend (Mr. Bouverie) in the able speech in which he introduced his Scotch Bill gave several remarkable instances of men who had had their property cut to pieces and their homes invaded by such undertakings as those of railway companies. He (Mr. Morgan) could give an instance, for the truth of which he could vouch, for it happened to himself. He was residing in a house at Paddington close to the line afterwards taken by the Metropolitan Railway Company. The railway took not his house, but the next adjoining, and the first intimation he had of their presence was a hammering within a few feet of his head. They did not take his house, but they made it uninhabitable. He found he had no remedy—that it was a "sentimental grievance," and that he must not allow his feelings to stand in the way of "public utility," and he had to throw up his lease and find a residence elsewhere. How many thousand poor working men were turned out of house and home in order to enable the London, Chatham, and Dover Railway Company to get to Ludgate Hill? They thought nothing of turning 10,000 artizans and their families into the streets in order to make room for a bankrupt railway company, who scarcely went through the farce of offering to pay for the land which they seized, because that, forsooth, was "a work of public utility." But if a few poor, decent, religious people asked them to give them powers to purchase a little bit of land in order to worship God or educate their children in their own way, they raised an outcry that the rights of property were in danger, and shuddered to think that their nervous susceptibilities might be shocked by the sight of an "Ebenezer" or a "Bethel." Sir, (continued the hon. and learned Member) for my part, I think we hardly realize to ourselves what an enormous infringement of the rights of private property the whole of our railway legislation is—at least so far as it touches the poorer classes. The rich man, I admit, does not feel it. He can oppose the projected work—he can make his own terms with the company—and very good terms they generally are. But the poor man is at their mercy. If you want to know what I mean watch the course of any of our great lines of railway—watch them, I say, avoiding with punctilious care the Bishop's palace, the nobleman's park, the country gentleman's seat—but trampling with relentless indifference upon the cottages of the poor. Sir, we have a maxim—a time-honoured maxim—of English law— the spirit if not the letter of which I think I may fairly crave in aid of the principle of my Bill—

"Sic utere tuo ut alieno non noceas."

—use that which is your own, but do not hurt that which is another's. If I, on my own land, erect a house or a building which interferes with the free flow of light and air to another man's land, the law steps in and compels me to pull down that house or that building, because it interferes with that which is the common right of all God's creatures—can you consistently compel me to do this, and yet permit me to use the property with which Providence has entrusted me so as to interfere with that better light, which ought to be as free and as full as the light of yonder sun in heaven? Sir, I admit, and I do it most gratefully as well as most cheerfully, that there are in this country many men endowed with vast possessions and great wealth who use those possessions and that wealth for the noblest purposes and with the most ungrudging generosity. If there were not, the English landed aristocracy would not at this moment be occupying the proud position which they hold among the aristocracies of Europe. For men like this—and I am speaking in the presence of some of them—such legislation has no application and no terrors. But there are also in this country—I say it sorrowfully but emphatically—other men, also possessed of great power and vast wealth, who have forgotten the sacred maxim that property has its duties as well as its rights, and who use that power and that wealth to coerce the conscience and enslave the mind. And do not say that we—for I am speaking not only of myself, but of my hon. and learned Friend whose name is on the back of the Bill (Mr. Hinde Palmer), and of my other learned Friends who approve the principle of the Bill—do not say that we—real-property lawyers, brought up with the strictest reverence for the rights of property, are urging you to rash and headlong legislation. It is just because we see the greatness of the danger that we ask you—you, an assemblage of landowners—to put your house in order before the day of assault comes. Sir, it is useless to blink the fact, that the whole law of property is on its trial—not only in Ireland but in England also—but, believe me, it is not in measures like these that the danger lies. Reject this measure and the demand for such legislation, now a mere whisper, will in my country at least, deepen into a fierce and fanatical cry. It is just from the refusal of these small concessions that dangerous agitations take their rise. Remember, I pray you, that the history of England's prosperity is a history of timely concessions; and let it not be said that we, who have succeeded to the accumulated experience of centuries—we

> "The heirs of all the ages, in the foremost
> files of time"

have so far forgotten the lessons of that experience as to throw in our lot with those misguided men who, in the plenitude of their arrogance, have striven to dam back the torrent till it rose and overwhelmed them, and who have precipitated calamitous revolutions by resisting temperate reforms.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Osborne Morgan.*)

MR. G. B. GREGORY said, it was with great regret that he was obliged to offer opposition to the Bill; but it appeared to him that it was so aggressive in its character, so antagonistic to the rights of property, and so uncalled for by any public demand, that he felt it incumbent on him to take that course. He might rest his case against the measure on the statement which the hon. and learned Gentleman himself (Mr. G. O. Morgan) had made, for the hon. and learned Gentleman admitted that his Bill was intended to meet individual cases, but that it was limited in its area, and that it was exceptional in its character; but it was right that he should point out the objections on the face of the Bill itself. In the first place, he could not understand why the Bill was not to apply to Scotland and Ireland, where from the conflict of sects it would seem to be much more wanted than in England. The applicants were, in the first instance, to judge of the convenience and eligibility of the site. As to the provision that there must be fifty memorialists residing within four miles, he would observe that that radius would give a circumference of twenty-four miles, and that there was no provision that the parties signing the memorial should be of the denomination which applied for the site. It would be quite competent for one congregation to say to another—"Lend us the half of your people to support the application, and we will do as much for you when you want a site." The Bill made provision for the costs of the aplication before the Enclosure Commissioners; but supposing the party objecting to succeed, he was to be left to pay his own costs. But that was not all. Supposing, after the lapse of five years, the purpose for which the property was required should fail to be carried out, to whom would the site belong? It would go to the parties who had acquired it, who might use it for any other purpose. Then, with reference to the application of the Lands Clauses Act proposed by the Bill. He must say that, under that Act, the compensation given was frequently very inadequate, even as regarded the bare value of the property compulsorily taken, independent of the inconvenience experienced by the owners in other respects. Great expenses were incurred. Parties had the power of summarily taking possession of land, turning the owners out, and compelling them to submit to arbitration or a jury. These powers might be necessary for public purposes; but in such cases the parties applying for them were put under certain obligations and liable to certain penalties. He thought it most objectionable that the Copyhold Commissioners should have the power of putting such an Act into force. The Commissioners were not constituted for the discharge of any such duties as these. It appeared as though the hon. and learned Gentleman had a heavy burden which he was desirous of depositing somewhere, and, therefore, selected these unfortunate Commissioners for the purpose, giving them, as the Bill stood, absolute power to decide, without appeal, in these cases. It would be very objectionable if gentlemen were compelled to submit to the invasion of their estates by persons acting under the provisions of the Bill. The only land exempt from its operation was park or pleasure land; but there was in many cases a great deal of ground outside a park which to all intents and purposes was pleasure ground. It would not be very agreeable to anyone who had built a mansion commanding a fine view to have run up in the neighbourhood, a chapel or school, neither of which was often of the most ornamental character, and frequently in a style more adapted to the purposes of necessity than of religion. He was not now speaking in a spirit of hostility towards those who desired the power of obtaining sites for places of worship, for he would be glad to see every man possess the means of celebrating, in the most convenient manner his religious worship, so long as he did not invade the rights of others; but believing that the Bill did invade those rights, and feeling that there was nothing on the face of the measure to justify the proposed legislation, he begged to move, as an Amendment, that the Bill be read a second time upon that day six months.

Mr. NEWDEGATE seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. George Gregory.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. H. RICHARD said, he wished to supply some further evidence to fortify the case of his hon. and learned Friend (Mr. G. O. Morgan). He regretted that any necessity should exist for bringing in a measure like the present. He cheerfully acknowledged that a large number of landowners both in England and Wales—and among them many Conservative landowners — in the matter of granting sites for chapels and schools, were disposed to act, not only in a fair and just, but even in a generous spirit towards their Nonconformist neighbours. He also acknowledged that some of the impediments of which he complained arose not from want of will, but want of legal power on the part of the landowners, and believed that some of them would gladly welcome a measure for removing the disabilities which now stood in the way of their following the impulses of their own kind natures. But, unhappily, there were other landowners—a small minority—who were inspired by a different spirit, and made use of their rights as owners of the soil to thwart and harass those who were endeavouring to promote the moral and spiritual improvement of their countrymen, because they happened to belong to a different communion from their own. With regard to the difficulty of procuring sites for schools, he referred the House to the Evidence given before the Select Committee on Education in 1865-6, over which the right hon. Gentleman the Member for Droitwich (Sir John Pakington) presided. The Rev. John Phillips, Principal of the Training College at Bangor for the British and Foreign School Society, pointed out several instances in which the promoters of undenominational schools had been refused sites, although they were prepared to pay any reasonable price for their purchase. Similar evidence was given by the Rev. Dr. Roberts and Mr. Bowstead. A strong feeling existed, although the House might not believe it, in some remote parts of the country against schools established on what were called liberal or unsectarian principles; and, as an instance of that feeling, he might refer to a case which was tried at the last Carmarthenshire Assizes, where an action was brought against certain members of the Church party who had actually demolished a school, the result of which was that the Judge recommended the withdrawal of a juror, the defendants consenting to pay £150 and costs. They might talk of the rights of property. He would ask, was it one of the rights of property to consign the population of a district to eternal ignorance in obedience to the caprice and narrow-mindedness of some sour-tempered individual? In many cases where chapels were erected, the landowners refused to sell or grant leases, and the promoters had no security except in the honour of the proprietor and his successors, and in some cases advantage was taken of this circumstance, in order to coerce votes at an election. He would mention an instance of the way in which a landowner sometimes acted. A gentleman in the county of Cardigan, three or four years ago, at the expiration of a sixty years' lease which had been given by one of his ancestors to the Methodist connection, refused to let the chapel again except for one year, and he also refused to grant another site, although he had plenty of rocky land not worth to him a farthing an acre rent. At the end of the year the congregation was obliged to turn out, and had to build another chapel. He would ask—did the right of trampling on the rights of conscience form a part of the rights of property? He wished to call the attention of the House to the hardship which the present system inflicted on a country like Wales. It was not as if the Church of England had adequately occupied the ground and provided all the necessary means of religious instruction. That was not the case. According to the Census of 1851 the population of Wales and Monmouthshire was 1,100,000 souls. Assuming, with Mr. Horace Mann, that the Church accommodation should be 58 per cent of the population, such accommodation ought to be provided for 689,569 persons. But the Church of England fell short of that demand by 357,672. So that accommodation was provided for barely 25 per cent of the population. He appealed to the House whether they could approve of this miserable dog-in-the-manger policy, and whether members of a Church, who ought to provide accommodation for the vast majority of the population in that Principality, and utterly failed, should be allowed to throw all kinds of obstacles in the way of those who were willing to supply their lack of service? He did not wish to say a word against the rights of property, but thought that in these days its owners would do well to "wear their honours meekly." For what might happen? An intolerant landlord might come into possession of a vast extent of territory, and virtually proscribe every form of religion except his own. That was a system of persecution which had now been discarded by every State in Europe. The question was, whether the proprietors of the land were to be allowed by the exercise of the rights of property to annul the course of legislation which had prevailed for so many years. The rights of property were sacred; but the rights of conscience were paramount and supreme.

Mr. GATHORNE HARDY: Sir, I should regret if anyone should treat this as a question of religious difference. The hon. Gentleman who has just spoken seems to have forgotten that this Bill, while it provides facilities for Dissenters obtaining chapels and schools, provides exactly the same facilities for the Church. But for the whole period of time during which the Church has been extending her operations in this country, and building churches, she has never asked for compulsory powers such as are sought for under this Bill; and it is to the compulsory powers of the Bill alone that I object. In a Bill which will shortly be again before us—the Elementary Education Bill—there will be provisions dealing with the question of schools, and as I think it will be much more advantageous to leave the compulsory and other powers respecting schools to be dealt with in the Schools Bill, I will now leave that point out of the question. I grant that the Dissenter, with respect to his chapel, should be put upon the same footing as the Churchman under the Church Building Act, and limited owners should have every facility for granting sites for Dissenting chapels which they now have for granting sites for churches. If the Government and the House will accept that principle as sufficient for the second reading of the Bill, I shall have no objection to it; but, as to the compulsory powers, remembering that they have never been asked for in the case either of Scotland or Ireland—even in those parts of Ireland where Churchmen were in a small minority, and where the great mass of the people were Roman Catholics—I think it would be unreasonable that they should be granted without some very strong grievance, indeed, being proved to exist in the case. But no case has been made out for this compulsory system. I do not know how it may be in Wales, with which I am not familiarly acquainted; but I know that in England public opinion will prevent the recurrence of any such difficulties as the hon. Gentleman has spoken of as having been experienced at the hands of one or two landlords. I say that it is not a right thing—if it be only a case of one or two landlords, for Parliament to lay down special laws for dealing with so small a matter. If the Bill had dealt with the subjects by way of a Provisional Order, as in cases where you apply the Lands Clauses Consolidation Act in great public matters, such as railways and other things of that nature, the Provisional Order being laid before the House, and giving an opportunity for disputing each separate proposal before a Committee upstairs—if this Bill had been put on that footing I should not object to it; but I do object to a general power of interference with the property of others, unless there is some general ground for it. I do not think there is any such general ground in existence, and the probability of its existence decreases every day. I do not know how it may be in some parts of Wales; but going over this country I know that in England wherever a chapel has been wanted—even in the smallest villages—there has been found a place for it; and I feel convinced that, wherever a real call for a chapel shall arise, there will be found landowners ready to provide a site for it. I remember travelling in one of the northern districts of Ireland, where there happened to be a disturbance because the Roman Catholics could not get a site for a chapel which they wished to build; but the proprietor of the land said—"If you will show me that there are enough of you to extend beyond the cover of an umbrella, I will take care that you have a site; but I do not think you ought to be supplied with a site in order that you may bring Roman Catholics here who did not exist here before." I have seen in little villages small chapels scarcely bigger than the Table rising up side by side, the Churches having split upon some very abstruse points of theology. That, I think, is what would happen under this Bill. With a view to prevent a Division which may be misconstrued and misunderstood, I say that we are ready to assent to the other parts of the Bill, provided that we shall not be called upon to sanction the compulsory powers contained in it.

Mr. BRUCE: Sir, on the part of the Government, I am glad to be able, without approving of every part of the Bill, to express my assent to the second reading. I understand the Bill to have three objects. The first is to make compulsory provision for schools. The second is to enlarge the powers of limited owners, whether tenants for life, tenants in tail, trustees, or corporations, so as to enable them to do for Dissenting places of worship that which they are now enabled to do for churches and schools. The third object is to introduce a large change in the law, and to give, under certain limitations, compulsory powers for the acquisition of land for churches and chapels. With regard to schools, inasmuch as there has not been hitherto any legislation which fully meets the wants of the case, it would be unfair for the Government to oppose the second reading of the Bill simply because we ourselves propose to deal with that point. The Education Bill has not made any provision for the compulsory acquisition of land; and though we are considering the desirability of introducing clauses to give that power wherever a local Board shall be established, still those clauses have not yet been laid upon the Table of the House. With regard to the second object of the Bill—the enlargement of the powers of limited owners, so as to enable them voluntarily to grant sites for Dissenting chapels—that seems to be a very proper object. A case occurred, a short time ago, to a noble Lord who is a Member of the Cabinet. He was applied to by a Wesleyan body to give them a grant of land for the site of a chapel, and he was quite willing to do so; but, being only a tenant for life, he was unable, though he could have granted it for a church or a school. A statement of that kind is sufficient, I think, to secure the adhesion of Members on both sides of the House to the opinion that a change in the law in that respect is desirable. The third part of the Bill is that which relates to the compulsory acquisition of land. Now, in reference to that very important part of the Bill, it will be admitted on all hands that for such a provision a very strong case of necessity ought to be made out. The circumstances of the great disruption of the Scottish Church have been mentioned, where at one moment a secession took place of from 400 to 500 ministers, and from 700,000 to 800,000 people. That was a case of extreme necessity. Provision had to be made for the religious worship of a large portion of the population. At that time the passions of the people had been excited, and as the great bulk of the land was in the hands of those who remained with the Established Church, and who looked upon the secession with great indignation and alarm, great difficulty was at first experienced by the Free Kirk in obtaining sites for places of worship. A Bill was introduced into Parliament on the subject, giving compulsory powers for the acquisition of such sites, but that Bill was referred to a Select Committee, which found, on inquiry, that a great change had gradually come over the spirit of owners of property in Scotland, and that provision had been made for the spiritual wants of more than 700,000 members of the Free Kirk, leaving only some 14,000 unprovided for, and the Committee decided that it was not necessary to make any such change in the law. I have not heard of any great difficulty being experienced in Scotland since that time. The hon. Member for Merthyr Tydvil (Mr. H. Richard) frankly acknowledged that the landowners of this country, in the great majority of instances, were willing to grant sites for chapels; but also stated that there were occasions when land was refused for sites. I do not deny that cases of difficulty may sometimes occur in Wales; and if those cases were widespread they would, perhaps, justify this important change in the law, but, I confess, I do not think they do exist to that extent which would afford sufficient ground for the passing of this Bill with its present compulsory powers. My hon. and learned Friend who introduced the Bill (Mr. G. O. Morgan) rested his case on the assumption that chapels were built for purposes of public utility, and that where a landlord refused to furnish a site for them there was, on the part of the State, a sufficient reason for compelling him to do so. But are chapels the only works of public utility, the erection of which may be obstructed by narrow-minded landlords? A landlord cannot be compelled to furnish a site for an hospital, for a town hall, for a workhouse, or even for such a public work as a magazine of arms. To enforce that sort of legislation in this case, which would only deal with a very limited area, would, I think, be most undesirable. I am, however, happy to see an earnest desire on all sides to deal with the question as far as schools are concerned, and to put Dissenters in the same position as Churchmen with regard to the possession of sites; and I shall have great pleasure on behalf of the Government in agreeing to the second reading of the Bill under the limitations I have mentioned.

Mr. STAVELEY HILL said, his hon. and learned Friend the Member for Denbighshire (Mr. G. O. Morgan) had referred to the case of railways, and had said, with reference to the compulsory powers acquired by railway companies, that while noblemen's parks were protected, poor men were turned out of their homes unscrupulously and promiscuously. The hon. Gentleman was apparently ignorant of the fact that, by an Order of the House of Lords, made in 1853, no Railway Bill, which involved the demolition of fifteen or more houses of poor people could be allowed to pass through that House until it was proved to the satisfaction of their Lordships, on the certificate of two justices of the peace, that means had been taken to provide for the housing of the persons who were to be so turned out of their dwellings. This Bill, in point of fact, was of the nature of a Private Bill, and was equivalent to an enactment that the requirement for sites of this character was a public necessity. In the case of other Private Bills the promoters were always required to prove the Preamble of their measures by evidence before a Select Committee; but the allegations made in support of this Bill, even supposing they could be proved by evidence, were not such as would induce a Committee of either House of Parliament to pass the Preamble of a Bill which proposed to take away a man's private property.

Mr. HENLEY said, understanding that the Bill was to have all the compulsory powers taken out of it, he regretted that it was not introduced without them. They ought all to be ready to help each other, and he did not believe there was anyone in the House who would not be glad to remove any disability so as to enable persons to do what they wished with their own property. One or two things, however, had been said which deserved notice. The hon. Member who moved the second reading (Mr. G. O. Morgan) warned people to set their houses in order. To say the least of it, it was an ugly expression, and to use such expressions was not a good way of promoting Bills like these, which demanded mutual concession. He thought there was no analogy between taking land for a railway or for a public purpose and taking land for the object set forth in the Bill. What a queer kind of public purpose the hon. Member had set up! If fifty persons living within four miles of a given spot could petition, it could be open to fifty persons in London to call upon the Benchers of Lincoln's Inn to show cause why they should not allow a chapel to be erected in Lincoln's Inn Fields. As to the want of accommodation for religious purposes, did anyone mean to say that in any appreciable degree it arose from the inability to obtain sites? Did it not arise much more from the want of means to pay for them than from the inability to get them? There was no analogy between the compulsory powers already given and those proposed to be conferred by the Bill. As it was desirable that no disagreeable feeling should be roused upon a question of this sort, he was glad the Government was disposed to put the matter in a different shape. There were many other public purposes, such as the provision of lunatic asylums and workhouses, in respect of which there were no compulsory powers, for the good sense of the people led them to accommodate each other. It would be very inconvenient to give A or B the power of selecting a particular site, saying—"I want that particular site, and I will have it whether the owner likes it or not."

Mr. HINDE PALMER said, his name appeared on the back of the Bill, and he did not wish to recede from the compulsory provisions. When he first gave the sanction of his name to the Bill he stipulated that the compulsory powers should be accompanied with sufficient safeguards and guarantees against the improper exercise of them, and he could not help thinking, notwithstanding what had been said, that there were substantial guarantees in the Bill against any improper exercise of compulsory powers. The reason for selecting the Enclosure Commissioners was that they constituted an impartial tribunal, uninfluenced by local considerations, who had been accustomed to investigations of this description. He could quite understand the disinclination of an owner to have a building put up in an inconvenient place where it would be an annoyance to him, and one clause of the Bill was an express provision to guard against such a contingency, for it said that no order should authorize the—

> "Taking of all or any part of any dwelling-house, or the curtilage thereof, or of any park, garden, or pleasure-ground held or enjoyed therewith, &c."

And in Committee he should be prepared to give even greater protection, and to say that if the Commissioners were satisfied that it was impossible to put the Act in force without causing annoyance or injury to a proprietor, their sanction should not be given to the order asked for. Almost everyone knew there were instances in which landed proprietors had refused land for chapels and schools; there was ample evidence of the necessity for the Bill; and the only question was, whether it surrounded the exercise of these compulsory powers with sufficient safeguards which would prevent their being exercised in a manner which should be unnecessarily annoying to the proprietor whose land was taken. He understood the Commissioners would have the fullest power of investigating every application that was made, and of defeating any attempt at abuse, and that they would be prepared to withhold their sanction from any substantial annoyance to a landowner. This was by no means the first occasion in which similar powers had been given by Parliament. The Towns Improvement Act carried a compulsory power very much further than this Bill did, for it gave authority to the trustees or Commissioners under the Act to take any land they chose for a place of public recreation, and there was in the Act no guarantee such as was afforded by this Bill for a preliminary inquiry by an impartial tribunal. The hon. Member who moved the second reading of the Bill (Mr. G. O. Morgan) had fully made out his case, and it was hardly necessary to do so by citing individual instances. Of course, there were many landed proprietors who had acted in a liberal and generous manner in granting sites for schools and churches, and in contributing munificently to the erection of them; but it was equally notorious there were men, with feelings which should be respected to some extent; but who had refused sites under such circumstances that it was right, with proper safeguards, to subject them to compulsory powers.

Mr. LIDDELL said, he wished distinctly to understand, whether it was intended in Committee to press the compulsory clauses, which were really the sting of the Bill? If they were to be pressed he should oppose the Bill on the ground that it was an arbitrary interference with the rights of property. He would be the last to offer objection to facilitating the acquisition of sites for these purposes; but there was a great difference between doing a thing voluntarily and being compelled to do it.

Sir JOHN HANMER said, that, as a Welsh representative who had had a great deal of experience of the Principality, he must demur to those representations of the acts of Welsh landlords which had been made several times by the hon. Member for Merthyr Tydvil (Mr. H. Richard). He (Sir John Hanmer) had always found the Welsh proprietors generous and quite willing to accede to any just and reasonable demand. For the county of Flint he could testify that there was not a single landed proprietor, Liberal or Conservative, who was animated by any illiberal feeling towards Dissenters.

Lord JOHN MANNERS said, he was in hopes, after what had been said by the Secretary of State for the Home Department, that this question was virtually settled by that common agreement which was so much better than a Division; but he now feared, from the speech of the hon. and learned Member (Mr. Hinde Palmer), that the views of the right hon. Gentleman were not assented to; and, under these circumstances, his Friends and himself were to a certain extent placed in a difficult position. He opposed the compulsory clauses of the Bill on the general ground that every man, whether Churchman, Roman Catholic, or Dissenter, was responsible for the management of his property in the way which seemed to him to be the best. He (Lord John Manners) had recently been over Sir Titus Salt's magnificent manufacturing establishment and the town of Saltaire, and had found it to be one of the most admirable and well-arranged that he had ever seen. Every provision was made for the physical, social, and moral improvement of the workpeople, and everything done to promote their happiness and comfort according to the views of its founder. But there were two things which Sir Titus Salt objected to have upon his property, and those were a church and a public-house. That might, perhaps, arise from a whim; but from whatever cause Sir Titus objected to these institutions, his opinion was certainly to be respected. The property was his own, and he had a right to manage it as he liked. This Bill, however, if it were passed, would put it in the power of fifty persons to compel Sir Titus to grant land for the erection of a Church of England place of worship. Against such an action he (Lord John Manners) protested, and he would also protest against any interference with a Roman Catholic landowner on the like principle. In such matters, and in this land of liberty, it was far better to trust to public opinion than to endeavour to override the actions of individual proprietors. For these reasons he would object to the compulsory clauses of the Bill; but relying on the statement of the Secretary of State for the Home Department for their elimination in Committee, he would not oppose the second reading of the Bill.

Mr. HORSMAN said, he must ask the House to take care that it dealt fairly with the hon. Member who introduced the Bill (Mr. G. O. Morgan). The hon.

Member said he knew certain parts of Wales in which these compulsory powers were absolutely necessary; and, whether he was right or wrong, compulsion was the principle of the Bill. Although the Secretary of State for the Home Department might be quite right in disapproving of that principle, yet, according to Parliamentary law and usage, the right hon. Gentleman had no alternative but to say, on the second reading, that he accepted or rejected that principle; and if the hon. Member adhered to that principle, and did not accept the views of the Home Secretary, he had a right to take the sense of the House upon the principle of the Bill. It seemed to him that the case of the hon. Member was the simplest ever stated. He said he knew of his own knowledge that there were congregations who were compelled to come before the House and ask that they might not be limited and restrained in their efforts to obtain a place of worship, by the manner in which certain tracts of land were monopolized by one or two large proprietors. He should have thought that would have been sufficient, and that the House would have said it was a grievance that ought to be redressed. He thought the hon. Member was judicious in not embarrassing the discussion with personal allusions; and it was unnecessary to do so, for he quoted from a document laid on the Table of the House a strong statement of the grievance. The hon. Member who moved the Amendment (Mr. G. B. Gregory) admitted the necessity for giving increased facilities to acquire sites; but said that, while education, morality, and religion were valuable, the rights of property were more valuable still. This principle of the rights of property was a horse that of late had been ridden rather too hard. He denied absolutely that there were any such rights of property as were contended for on the other side of the House. There were no rights of property except rights created by law; they were creations of law, and what the law had created it might alter, enlarge, or restrain, as it had done in the case of railways. All that the Dissenters asked was, that the landowner, in some nook or corner of his land, should give a site for a fair sum of money, where religious service in accordance with the Bible might be performed. The law of property varied in different countries—in one, land was monopolized in the hands of a few proprietors; in another, it was perpetually subdivided; but the principle of all law was the advantage of the community; all law was made for the good of the community. In the case of railways we took private property, on giving compensation, for the sake of the public advantage; we gave compulsory powers to a company of speculators, who promoted the railway for the purpose of traffic; but when other men asked the House to give them the power of obtaining land for a place of worship, they were told that this was an inferior purpose. We denied to those who wished to promote the moral and religious elevation and improvement of the community, a privilege which we gave to those who had commercial objects in view. The difference between the two as regarded the State was this—giving facility of transit might be a matter of expediency or policy; but giving facility for public worship was a sacred obligation. Wales was in a worse position than Ireland in this respect—the landowners belonged more entirely to one Church and the population to another, and the reason was the fault of the Church of England. One of the first votes he gave in the House was in favour of a proposition that no clergyman should be appointed to a living in Wales who did not understand the Welsh language; it was opposed by the Government of the day, headed by Lord John Russell, and also by Sir Robert Peel; but the combination of the front Benches was beaten, and a rule was established which had been in operation ever since. But the consequence of the contrary rule previously observed was that Wales was made a hotbed of Dissent; and although, as a Churchman, he regretted this, he would say it was impossible to exaggerate the obligations of all Christians to the Dissenters. They were active when the Church was idle, and he should like to ask what would have become of the populations of our great towns if the Dissenters had not penetrated into holes and corners which the Church did not enter? If Churchmen might congratulate themselves on the increased zeal of their Church, they must yet in a more Christian spirit than formerly acknowledge Dissenters as fellow-workers in the same vineyard in which there was work for both to do in generous and Christian rivalry, instead of flying, as formerly, at each other's throats. The fact was, we must acknowledge Dissent had become an institution, not established by the law, but by something stronger than the law. For these reasons, if the hon. Member felt that these compulsory powers were necessary, he should feel it his duty to support him. It was evidently a misunderstanding of the Bill to suppose that any piece of land could be selected and compulsorily taken—that Dissenters might ask for a site under a landowner's window, or in his park. The intending purchasers were bound to show that they could not get land by agreement elsewhere; and if the owner offered to let them have a suitable site their case fell to the ground. But when Dissenters asked for a site, was it not a monstrous thing that there should be found a man who could say—"No; there is my church; to be sure it is empty; go and fill it? There is my minister, appointed under the law of patronage, which does not make spiritual gifts a qualification for the spiritual office; if you do not go to this church and listen to this minister you may go your way; my estate may be a spiritual wilderness, but I will have upon it no place of worship for those less orthodox than myself, and who don't believe in those Thirty-nine Articles which I have never read, and which, if I did read, I should probably not understand." That such things should be said even by a few proprietors was a monstrous thing, and for these reasons, and under the particular circumstances of the case, it was impossible for him not to accept the principle of the Bill. Let Amendments be made in Committee; but as a protest against the possibility of such an abuse of power he should heartily support the compulsory principle of the Bill.

MR. NEWDEGATE said, he wished to call attention to the very peculiar position in which the House was placed. The Bill contained most extraordinary compulsory powers for the seizure—he could call it by no other name—of land belonging to any proprietor, if fifty persons resident within four miles desired to possess it, for the purpose of building a school or a chapel: and the 15th clause provided that, though no chapel or school were built during five years from the seizure, the land should, during that period, remain in the hands of the persons who had taken possession of it, provided that they did not leave it for one whole year totally unused for their ostensible purpose. Notwithstanding this, however, the Secretary of State for the Home Department seemed to be so enamoured of the object stated in the Preamble of the Bill that he totally diregarded the principle of the Bill, which, as in the case of every Bill, was to be found in the method and in the means by which the Bill proposed to attain the object set forth in the Preamble. The right hon. Gentleman had stated that he objected to the compulsory powers which the Bill would confer, and that, nevertheless, he should vote for the second reading. A great number of hon. Members had left the House on the understanding that the compulsory powers would not be insisted upon, and after they had left, the hon. Members who had charge of the Bill, declared that they intended to adhere to the compulsory principle and clauses of the Bill, no matter how much the Home Secretary might object to them. Therefore, it was clear that, unless the House intended to sanction the compulsory powers, they must vote against the second reading; and, if they did so, the Division could not be a fair one, because hon. Members had left the House, mistakenly believing that the Home Secretary represented the supreme direction which regulated the Ministerial side of the House. He therefore saw nothing for it but to vote against the Motion for the second reading of the Bill. The right hon. Gentleman the Member for Liskeard (Mr. Horsman) admitted that there were such things as the rights of property; but contended that they existed in different countries under different conditions, and, being the creation of law, could be altered by the same power that gave them being. But, in saying this, the right hon. Gentleman lost sight of the fact that in this country the rights of property were the foundation of the people's freedom, and he was urgently in favour of the principle of these compulsory clauses which would violate the rights of property. Yet the right hon. Gentleman promised support to the Bill, which proceeded on the assumption that the Legislature was ready to delegate to the Copyhold Commissioners the power of defining what the rights of property consisted in, without even reserving to itself the power to review the proceedings of the Commissioners. The Bill said that not more than £150 should be granted as compensation to owners for the two acres of land taken under the Act, though such land might be situate in the centre of the City of London, and, therefore, might be of much greater value. Opinions seemed to differ as to the interpretation to be put upon the Bill; but he maintained that, truly interpreted, its provisions would give compulsory power for the acquisition of land, and were vicious in principle, because they proceeded on the assumption that the desire of some few scattered individuals to possess two acres of their neighbour's land justified the seizure of it—that, as some few landlords abused their proprietorial privileges, the whole class should be deprived of the rights of property; while the fact that the great majority of the landlords behaved liberally as to granting sites for schools and chapels was used to justify this attempt to deprive them of their rights in their own property. The right hon. Member for Liskeard, when he referred to the Church of England, characterized it thus —he called it "the landlords' Church," and described the landlords as refusing land for building any other place of worship, and roundly telling all the inhabitants of each parish—"Here is my church, come and worship; here is my clergyman, come and listen to him," seemed to forget that, during 10 years he opposed the Church Rate Commutation Bill, which he (Mr. Newdegate) had, Session after Session, introduced, which had proposed to give the inhabitants of each parish a right in the property of the parish, a charge equal to half the average amount of church rate, and would have conferred upon the Vestry, the representatives of the inhabitants, a powerful voice with reference to their means for public worship. In Wales, the want of such a power had led to a feeling of alienation between people and clergy, by having enabled clergymen, holding erroneous opinions, to introduce their own interpretations of doctrine and ritual into the services of the Church. The House had, in its kindly feelings, been led to overlook the great principle of property on which the Constitution rested. The great difficulty of the French Emperor, in his efforts to render constitutional the State and Government of France, had been that the country had no proprietary class on which he could found a governmental organization such as England possessed. Though this was a small Bill it involved great principles. The right hon. Gentleman the hon. Member for Liskeard said it was intended to enable persons in various localities to worship according to the Bible, and to have the Bible taught to them; but, as a matter of fact, the Bill contained no single word in reference to the Bible, and was, in other particulars, so loosely constructed, that it might afford abundant means for the perpetration of abuses. Let the House take an instance from his own experience—"An active magistrate, Churchman, and politician, gave great offence in his last-named capacity to a wealthy Quaker, who, for a short time, retorted by paying all the fines which the magistrate inflicted in the course of his duty. Finding this, however, a somewhat costly amusement, he bought a piece of land in the parish where the magistrate was the principal landowner, and, having built a chapel, advertised for a congregation." The present Bill would have enabled the Quaker to procure a more complete satisfaction, because had the whole parish belonged to the magistrate, he would still have been able to force two acres of his land from him. It was said that the Bill did not apply to Ireland because, in that country, the Bequests Act of 1844 rendered it unnecessary; but hon. Members could scarcely have forgotten that three Sessions ago the present Judge Advocate General (Sir Colman O'Loghlen) brought in a Bill to procure glebes of 20 acres each for Roman Catholic priests, sites for Roman Catholic chapels, and sites for Roman Catholic schools, which Bill would have set aside both the Bequests Act and Law of Mortmain, by enabling tenants for life, limited owners, to alienate property for these purposes, while the property thus obtained was to be vested in each Roman Catholic Bishop as a corporation sole. Such was the blindness of the Liberalism of many hon. Members that they seemed incapable of understanding that there were in this country, and among them, the representatives of a power which was totally illiberal, and prompt at any time to take advantage of the laxness of Liberalism in order to accomplish their own purposes. It had cost him (Mr. Newdegate) much trouble to effect his purpose; but he was happy to say that, on his Motion, the House rejected that Bill. Under all these circumstances, if the hon. Member for East Suffolk (Mr. G. B. Gregory) pressed his Amendment to a Division, he should vote with him against the second reading of the Bill.

MR. BRUCE wished to say a few words in explanation of the repeated misconstructions that had been put upon his statement. The hon. Member said that the principle of the Bill lay in the compulsory powers it proposed to confer, and that he (Mr. Bruce) opposed those compulsory powers; but that was not what he actually did say. Without doubt the main principle of the Bill was compulsion as regarded the provision of schools and churches; but he only supported that principle so far as the schools were concerned, and opposed the compulsory provision of churches and chapels.

MR. PEASE said, that if the Bill became law it would affect Churchman and Dissenter alike. After the manner in which it was proposed to go into Committee on the Bill he was prepared to vote for the second reading, as he thought a *primâ facie* case had been made out for passing a measure to enable Dissenters in Wales to procure sites for chapels and schools, though not for such legislation as the Bill proposed. He thought the Enclosure Commissioners a most awkward tribunal to decide whether a church should be built on the Dissenter's ground, or a chapel upon the ground of a Churchman. He should be sorry, however, to think that the state of things in Wales existed throughout the kingdom; indeed, he knew that it did not, for, in the Auckland district of the county of Durham—a division of which he had the honour to represent—one branch of the Dissenters had expended some £22,000 in six years, and had experienced no real difficulty in securing sites for their chapels and schools. That county was at one time a strictly ecclesiastical county. The Church possessed a large part of the landed property in it; but so neglected its duties that the population went wholesale into the arms of Dissent. He knew a colliery district in which when Dissenters applied to a nobleman for a site in a particular village, he declined to accede to their request on the ground that he had given ground on which a church had been built for the spiritual necessities of the parish, and that there was a British and Foreign School in the village, which was used on Sundays for religious service by the Dissenters. He (Mr. Pease) looked forward to a time which he might never see—it might be fifty years hence, it might be but five years hence—when the Church of England would no longer be the Established Church of the country —but when that Church would be animated by a stronger spirit of zeal and proselytism; and when it would seek to vie with other denominations everywhere in the establishment of places of worship and schools, the effect of this Bill might not, under these circumstances, be quite what the promoters desired, He wished the provisions of the Bill to be carefully considered and modified in Committee, and he should therefore give his vote for the second reading.

MR. BERESFORD HOPE said, he hoped the hon. Member for East Sussex would not think it his duty to divide the House on the Amendment he had proposed. The Government had undertaken the responsibility of passing a Bill such as the Home Secretary promised to make the present one when it got into Committee, and whenever any Government undertook such a responsibility it was well to leave it in their hands. He agreed with the Home Secretary that, in the present aspect of the education question, some compulsory powers might be desirable as to the acquisition of school sites. He equally agreed with him in the apprehension with which he regarded the concession of rights of compulsory purchase by Act of Parliament for places of worship. If there was a Division it would be due to some hon. Members on the Government side of the House, though not in any way to the hon. Member who had just spoken in conciliatory, but he hoped not prophetic terms as to the Church of England and its future. On the other hand, nothing could have been more thoroughly out of place than the speech of the right hon. Gentleman the Member for Liskeard. He could not conceive what had induced the right hon. Gentleman to make his appearance in the unusual and not well-dressed part of Saul among the Prophets. It might be that the right hon. Gentleman was attuning his high eloquence in order to bring it to the level of the phraseology usual in those tea parties, blanket clubs, and other select evening celebrations which very probably he would have to attend during the coming Recess. But, if this was the only excuse, the speech was utterly inexcusable. After the debate had gone on for some time with great moderation the right hon. Gentleman in accents most touching and thrilling, in the attitude of supplication he so well knew how to assume, and adopting a tone of voice which a critic could most aptly describe if the orator had been speaking on the first instead of the fourth day of the week, brought forward an elaborate accusation against the Church of England in the form of an overt laudation of its opponents. From first to last the speech of the right hon. Gentleman was a strong provocation of religious jealousy, although couched in the guarded language of a well-practised fencer. In a new Member of the House such a course could be excused; but for one who, like the right hon. Gentleman, had long Parliamentary experience, and had held high Office, it was a grave offence to try and turn the whole current of a debate like the present on a grave practical subject into the channel of sectional strife and discord. With regard to the Bill itself he was willing to see legislation take such a course as would place Churchmen and Dissenters on a level, as far as the procuring sites for places of worship and schools was concerned. He would accept some change, if it could be shown that change was needed in order to attain the level; but where change would put Dissenters at a superiority, there he would stop. Examining the Bill with these principles to guide him, and remarking the proposal to give to any fifty men within a circuit of four miles power to claim absolute freehold right to a building site on the simple plea that it was for a place of worship, he must observe that it was absurd to say the same right would be given to Churchmen as to Dissenters, because Churchmen desirous of building a church would first have to satisfy the Bishop of the diocese that they were disposed to give an endowment of at least £100 a year to their minister. This, which must be done before they could build the church and get it recognized by the final approbation of the Queen in Council, would involve months of negotiation, and counting the cost of the church itself, and ultimately of the parsonage, an outlay of at least £6,000 or £7,000, and, probably, £10,000. But, on the other hand, a young man of promise, or of that self-opinion which went for promise, having an impression that he had a mission to preach the Gospel, would get fifty signatures to a petition, where the act of signing involved no expense for the present and no responsibility for the future, and come down upon some landed proprietor and demand a piece of land. The land obtained, he could put up a building at a cost of, perhaps, not more than £80, with an immediate effect on the market value of the lot and a shrewd calculation of pew-rents; and in his first sermon he would, perhaps, incite another young man of promise to a similar proceeding. Thus split would follow split, and schism schism as the direct and inevitable result of this measure. Would Dissenters appreciate this fostering of insubordination among themselves? He believed the Bill would be more damaging to the old established sects of Dissenters than to the Church, for the Dissenter was under no legal obligations as to endowment, conveyance, and consecration, which were elements of heavy expense in regard to church building, and new chapels and new sects could be multiplied by him to any extent. While assenting, therefore, to the second reading of the Bill, he objected to the compulsory powers it proposed to confer as to sites for places of worship, and hoped its promoters would show some conciliation and liberality in Committee.

Mr. CANDLISH said, that in speaking on questions of this kind, the hon. Gentleman who had just sat down sometimes became the victim of his love of fun, and said things which were very cutting to those who differed from him. The hon. Gentleman had said that this Bill would work more favourably for Dissenters than for Churchmen; but that would arise from the self-imposed difficulties of Churchmen, and not from the provisions of the Bill. There was no doubt that a grievance existed, and the fact that this Bill applied only to a few cases did not make the grievance less in those particular cases. Some of the provisions of the Bill had been misrepresented in the course of the debate. It was not the fact that any fifty dissatisfied persons would have the power to take a piece of land in the centre of a populous town, for there was no power to take any dwelling-house, nor could any park, garden, or pleasure-ground whatever be taken. And if vacant ground were taken in any town, then the value of it must be paid. It had been said that two acres of ground might be taken and held without being utilized for five years; but the fact was that it could only be so held for twelve months. The proposal to eliminate the compulsory clauses he should most steadfastly oppose; with them gone, the Bill would be at an end. It had been said that the Bill was an infringement of the rights of property, but there was no property upon which the law did not impose restrictions; a man, for instance, could not so use his property as to infringe the rights of another. No right was sacrificed when land was taken, if its full value was paid. The principle of this Bill was, that people should have places in which to worship God according to their consciences; and there were no rights of property that should be allowed to override the higher rights of conscience. The principle of the Bill, in other words, was, that proprietary rights should be limited in favour of the rights of conscience, and that there should be compulsory power to take land. He hoped that the Bill would be withdrawn rather than the compulsory power should be given up.

Mr. NEWDEGATE said, he wished to correct what he had said. He admitted that if land were taken upon the Thames Embankment under this Bill, the price would have to be settled by arbitration.

Mr. MOWBRAY said, he joined in the hope expressed by the hon. Member for the University of Cambridge (Mr. Beresford Hope), that the Amendment would not be pressed to a Division on the present occasion. He would point out that the speeches on the Liberal side of the House had, on the whole, been against the measure as it stood, though not against the Preamble, to which few could take exception, because it simply declared that it was expedient to give facilities for the acquisition of sites for places of worship and schools. That Preamble did not warrant some of the interpretations that had been put upon the Bill by the hon. Member for Sunderland (Mr. Candlish). The course he (Mr. Mowbray) took was founded upon the anticipation that, in Committee, the promoters of the Bill would not insist on the compulsory principle. Looking at the Bill itself, he agreed with the view which the Government had taken of it, and he could never accept it but for the modifications which the Government required.

Mr. G. B. GREGORY said, that he would withdraw his Amendment. In doing so, he acted upon what had been said by the right hon. Member for the University of Oxford (Mr. Gathorne Hardy), and upon the pledge given by the Government that in Committee they would use their influence to convert the Bill into a voluntary one, giving the facilities for the acquisition of sites for chapels that were now afforded by the Church Building Acts in the case of churches. The provisions relating to schools would be more properly dealt with in the Education Bill.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Wednesday* 15th June.

Mr. NEWDEGATE gave notice that, upon the Motion for going into Committee, he should move that the House go into Committee upon that day six months.

JURIES BILL—[Bill 32.]

(*Viscount Enfield, Mr. Denman.*)

SECOND READING.

Order for Second Reading read.

Viscount ENFIELD, in rising to move that the Bill be now read a second time, said, the object of the Bill was to amend the Law with reference to the qualifications, summoning, attendance, and remuneration of Juries. It was the result of the labours of a Committee of the House which had sat for two years, and whose recommendations had been approved by the whole of the Members of the Judicature Commission—among whom were the Lord Chancellor, the Attorney General, and the Solicitor General—with the exception of the right hon. Member who was now the Chief Commissioner of Works. For many years there had been great and serious complaints, especially in the county of Middlesex, with regard to the manner in which jurors were called on to serve, and also in reference to the mode in which juries were constituted, so far as qualification was concerned. Special juries were by law to be composed of merchants, bankers, and esquires; but it was not always that persons summoned upon them belonged to those classes. It frequently happened that only twelve hours' notice was given of requirement to serve, and one of the clauses of this Bill provided that there should be six days' clear notice. It was also provided that the limit of time for which jurors were required to attend should be one week. As to remuneration, Sir William Erle thought that it should be one guinea a day for special, and 10*s.* for common jurors, the money to be provided out of the Suitors' Fund. This recommendation had been embodied in the Bill. Then, again, as to exemptions. He had retained the old list of exemptions, which would, of course, be subject to revision. There were, however, nineteen counties in England in which there were parishes or townships, the inhabitants of which, by charter or ancient statute, enjoyed exemption from the liability to serve on juries—one of them being Berkhampstead, in Hertfordshire. These exemptions, it was provided, should cease to exist. As to qualifications for jurors, he proposed that there should be some change. In London and Middlesex, the principal present qualification was a rateable value of £30; in other parts of England, £20; and in Wales, two-fifths of this amount. The Bill proposed that in towns containing 20,000 inhabitants and upwards, the rateable value should be £50, and in smaller places £30, for common jurymen; and that the special jurors' qualification should be double these amounts. He hoped that the principle of the Bill would be affirmed by the House; but he was well aware that there were many matters of detail which were of an intricate character, and if the second reading were assented to, he should propose to send the measure to a Select Committee, in order that these matters might be carefully investigated. The Bill was practically the same as was introduced last year, and to which there was no opposition. The noble Lord concluded by moving that the Bill be now read a second time.

Mr. A. W. YOUNG said, that he had given notice of Amendments for the purpose of having on juries a less number than twelve persons, and also to do away with the necessity of unanimity in the decision; but upon consideration he did not think it well that these alterations should be engrafted upon this particular Bill, inasmuch as it related entirely to the summoning, attendance, and remuneration of juries. It was an intolerable nuisance to many jurors that they should be called upon to spend so much time in trying causes, and he heartily assented to the principle of summoning a panel of special jurors to try all causes, instead of specially summoning a number of jurors for each particular cause. He was sorry that the Select Committee which had considered the subjects to which this Bill related had not also considered the question whether it was necessary to have so large a number as twelve jurymen to try every case. In a colony in which he had been High Sheriff he had been instrumental in introducing a system of having civil issues decided by a jury of four, of whom three-fourths could give a verdict after a certain number of hours' consideration; and it was found that a jury of four gave more satisfactory verdicts than a jury of twelve. In the case of juries of twelve there was a great division of responsibility; several of the jury were generally inattentive to the evidence, and the jury very much left it to the foreman to say what verdict should be given. But when a jury was limited to four, there was greater attention on the part of the jurors, and they had greater facilities of communicating with each other during the trial. As to the unanimity of juries of twelve it was a myth. The verdicts which they returned were compromises, and the practice of starving them into verdicts was a barbarous one. Under the old system twenty-three, or some such number, were called, and it was only necessary that twelve of them must concur. He thought, on the whole, that the Bill would fulfil its objects.

Mr. DENMAN said, he was glad his hon. Friend did not intend to import the question of the unanimity of juries or the number of jurors into this Bill, inasmuch as such a question did not properly apply to this measure, and if pressed might endanger its passing. He confessed he thought that the subject was one which might very properly be discussed by the Legislature at a more fitting opportunity for its consideration.

Mr. D. DALRYMPLE said, he had one objection to this Bill—namely, that it did not go far enough. He did not see why the principle affecting county juries should not be extended so as to apply to cities and boroughs.

The ATTORNEY GENERAL said, he must decline to discuss the very important question of the unanimity or number of juries, although it might hereafter be deserving the consideration of the House. In respect to the suggestion of his hon. Friend (Mr. D. Dalrymple) he was not sure that the principle of the Bill ought not to be extended to cities and boroughs. On the whole, the Bill appeared to him to be a good one, and the noble Lord (Viscount Enfield) was entitled to great credit for having introduced it. While approving the principle of the Bill, he did not, of course, commit himself to all its details, and he thought the proposal to refer it to a Select Committee a proper one.

Mr. HENLEY said, he was of opinion that a Bill of this importance should be in the hands of the Government. In his opinion, it was hardly possible to overrate its importance. He trusted that when the Bill went into Committee they would receive the assurance of the Government that they had fully considered it; and that the measure would not be finally passed, except upon the responsibility of the Government, inasmuch as its provisions might materially affect the administration of justice.

Bill read a second time, and *committed* to a Select Committee.

EVIDENCE FURTHER AMENDMENT ACT (1869) AMENDMENT BILL—[Bill 20.]

(*Mr. Denman, Mr. Locke King*)

COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Interpretation of "court of justice" and "presiding judge" in recited Act).

Mr. DENMAN said, that this clause was, in fact, the Bill itself. The object was to set right an oversight in the Act of last Session. It had been discovered that the Act, which was intended to apply to all courts and tribunals, would not apply to the examination of witnesses before an arbitrator, and the Bill was intended to remedy that defect. There were also, as in the Court of Chancery, very eminent gentlemen whose business it was to take down evidence upon oath or affirmation, and to report that evidence, and there was no reason why these functionaries should not have the powers contemplated by the Bill. He would, therefore, propose to add at the end of the clause—

> "Or to take and return evidence for the consideration of any Court or persons having by law or consent of parties authority to hear, receive, and examine evidence."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Remaining clauses *agreed to.*

Mr. PEASE *moved,* after Clause 1, to insert the following clause:—

> (One oath or affirmation for witnesses called more than once in same day to be sufficient.—Form thereof.)
>
> "If any person shall have to be called to give evidence in the same court more than once in any one day, it shall be lawful for the presiding judge to order that the words 'in this and in all other cases which shall be heard before the court this day, and in which I shall be called upon to give evidence,' shall be prefixed to the said form of affirmation or to the customary form of oath or affirmation; and that, in such event, such witness shall not be again affirmed or sworn during such day, but shall be deemed and taken to have been affirmed or sworn in every such case in which he may have given evidence during that day."

Dr. BALL said, he must object to the clause. Any saving of time that might be effected by the proposal would be more than counterbalanced by other considerations. It would be an universal enactment, and should be applied irrespective of the number of cases in regard to which the same person might be accidentally called upon as a witness in the course of the same day. The phraseology of the clause would cast a doubt upon what was the universal practice of the courts in respect to the examination of witnesses. For instance, if a case lasted three or four days or was prolonged for weeks, like the Wicklow Peerage case, doubts would arise whether the oath taken in the first instance bound the witness. He was not at all favourable to innovations on usages which had grown out of public convenience and been sanctioned by the wisdom of those who had administered the law for centuries.

Mr. HENLEY said, he also must object to the clause. It would not be possible for the Judge or presiding officer always to know whether the Tom Smith who was called in the evening was the same Tom Smith who had taken the oath in the morning. He was at a loss to know how it would work, and the saving of time would be very little.

THE ATTORNEY GENERAL said, he concurred in the objections that had been urged by the right hon. Gentlemen opposite. It was an entirely new principle to swear a man for a day, and he feared it would be found to be an extremely inconvenient innovation. He hoped his hon. Friend (Mr. Pease) would not press the clause.

MR. STAVELEY HILL said, that the clause would add to the difficulty which any person who had to do with indictments for perjury must have found in proving that a man had been sworn.

MR. R. N. FOWLER said, hon. and learned Gentlemen had spoken as if the object of his hon. Friend opposite was merely to save time. Now, though his hon. Friend had incidentally mentioned this as an argument, his object was a much higher and more important, one, to vindicate the very solemn character of an oath. Anyone who had attended magistrates' meetings and quarter sessions and seen the gabbling way in which an oath was administered must have felt what a want of solemnity there was. If his hon. Friend should divide he would go into the Lobby with him, as he highly concurred with him.

MR. DENMAN said, he had no objection to the clause; but it would not come so well into the Bill before the Committee as into one for preventing unnecessary oaths. If his hon. Friend should wish to bring in a Bill of that kind he would be happy to assist him.

MR. PEASE said, he would avail himself of the aid so kindly offered him by his hon. and learned Friend, and would withdraw the clause.

Clause, by leave, *withdrawn.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

SUMMARY CONVICTIONS BILL—[BILL 50.]

(*Mr. Denman, Mr. Cross, Mr. Hibbert.*)

SECOND READING.

Order for Second Reading read.

MR. DENMAN, in moving that the Bill be now read a second time, said, that it had been suggested to him, by an experienced clerk of magistrates, that it was very undesirable in certain cases to send young prisoners to gaol and so contaminate them; but, still, the magistrates had no power and no option but to commit them to prison for a short period. It was, therefore, suggested that in the case of summary convictions under 18 & 19 *Vict.* c. 126, it would be desirable to give magistrates a power similar to that which they possessed under 24 & 25 *Vict.* c. 96. That Act dealt with larcenies, and in it was a clause, the 108th, which provided that in cases of first conviction for trifling offences under the Act the justices should have the power to discharge the offender upon his making satisfaction to the party aggrieved. That power he proposed to extend to other cases of larceny under the value of 5*s.* Suppose a lad of twelve or thirteen was charged with stealing an egg, and that the case was clear, he wanted not to have the magistrate bound to send the boy to prison, but to be enabled to discharge him upon his parents paying the damages and costs, and undertaking, for instance, to give him a whipping. Justices would be glad to have that power, and he believed it would be exercised with kindness and discretion. He begged to move that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Denman.*)

THE ATTORNEY GENERAL said, he was sorry he could not agree to the Motion. In the first place, his hon. and learned Friend would find that the Bill was not necessary to effect the object he had in view. If his hon. and learned Friend would read 19 & 20 *Vict.* c. 126, he would find at the end of the 1st clause these words:—

> "Provided, also, that if upon the hearing of the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they shall have power to dismiss the person charged without proceeding to a conviction."

This provision would amply meet any of the cases of hardship to which his hon. and learned Friend had called attention. The Bill would, to say the least of it, introduce an extremely objectionable principle applied in one or two cases to certain classes of misdemeanours, such as malicious injury to property. [Mr. Denman: And stealing dogs.] Yes, stealing dogs and offences of that kind, which were met by a provision that the justice should suddenly change his character from an administrator of the criminal law to a civil Judge, and should proceed to assess damages. That was an exceedingly questionable and dangerous principle, and had his attention at the time of the passing of those Acts been called to that principle he should certainly have opposed its introduction, as he now opposed its extension to felonies where the sum was less than 5*s*. [Mr. Denman: Larcenies.] He accepted the correction. The principle of the Bill would apply to a large class of pickpockets and to a considerable number of cases of robbery, and he, for one, could not consent to that. In fact, the Bill in plain terms would sanction the composition of felonies. It would actually enable magistrates to commit crime. The distinction the law had already drawn between crimes which were offences against the public and mere trespass, which implied injuries to individuals, was a distinction that ought to be preserved. He doubted very much whether the principle of the Bill was less mischievous; because, as the hon. and learned Gentleman contended, it would apply to juvenile offenders. This class of criminals might be punished in many instances effectually by short imprisonments—say of a day, or until the rising of the court—but to go further, and discharge every one who stole half-a-crown would produce anything but a beneficial effect upon the minds of young criminals, and the example on the part of magistrates would be exceedingly injurious if they were to give the opportunity of freeing those offenders from imprisonment on their friends paying a certain sum of money. It appeared to him that this Bill of his hon. and learned Friend was a step backwards towards the good old times when any crime whatever might be atoned for by a money payment. It was not at all unlikely that the next step would be to extend the measure to cases of £5, and then to extend the principle to certain cases of manslaughter, and to cases of misadventure to be settled by a criminal Judge, but in the character of a civil Judge deciding the question between the parties. He could not, therefore, consent to the second reading.

Mr. STAVELEY HILL said, he looked upon the measure as a dangerous innovation, and on that ground he should oppose the Motion. It had always been considered one of the highest crimes known to the law to assist a person to escape from the penalty of felony. A pickpocket, under this Bill, might go to Manchester, where he was not known, pick pockets to the value of less than 5*s*., and plead it was a first offence. He might then go to Birmingham and do the same, and so pass on from town to town.

Mr. HENLEY said, if the Bill passed it would be impossible to prosecute any man who had compounded felony. He thought the object of the hon. and learned Gentleman was fully met by the provisions of the clause to which the Attorney General had referred, and, therefore, the Bill was not required.

Dr. BALL said, he should also oppose the Motion. It was desirable, for the sake of the offender himself as well as of others, to keep alive the sense of infamy attached to the commission of larceny; and for that purpose, those who were guilty of that offence should have to submit to the disgrace of going to gaol. No doubt mercy towards young offenders was a very laudable feeling; but the object of the hon. and learned Gentleman (Mr. Denman) in that respect might be met by magistrates inflicting a very trifling punishment. They might sentence a young offender to a single night's imprisonment, and direct the gaoler that he was not to be mixed with the other prisoners.

Mr. DENMAN said, the discussion had tended to make him doubt whether the clauses analogous to the provisions of that Bill contained in the Act of 24 & 25 *Vict.* to which he had referred, were themselves quite consistent with principle. He had been led to understand that the powers the Bill proposed to give would be found very useful to magistrates; but the statement of the right hon. Gentleman opposite (Mr. Henley), to the effect that he had never experienced any real want of those powers as a magistrate, was deserving of much weight. He would not press the second reading of the Bill.

Motion, by leave, *withdrawn.*

Bill *withdrawn.*

ATTORNEYS' AND SOLICITORS' REMUNERATION BILL—[Bill 6.]

(*Mr. Rathbone, Mr. George Gregory, Mr. Morley, Mr. Goldney.*)

COMMITTEE. [*Progress 31st March.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 7 (Saving of liens).

Sir JOHN TRELAWNY said, he had received communications from eminent lawyers, one of whom was a Judge of great experience, in support of the opinion he had expressed on a former occasion as to the undue advantage which the possession of a client's title deeds and papers gave to an attorney in enforcing payment of doubtful charges.

Mr. G. B. GREGORY pointed out that the client had a very easy method of displacing his solicitor's lien.

Mr. M. CHAMBERS said, that although he objected to the innovations contemplated in the Bill with regard to the relations between attorneys and their clients, he thought it would be better if the Committee approved of an agreement between the parties, with power to make a special or general agreement as to a lien upon deeds.

The SOLICITOR GENERAL said, he would suggest that as the clause in its present shape was not one that ought to pass, it should now be negatived in order that another clause, which would require very careful wording, might be brought up at a later stage.

Clause *negatived.*

Clauses 8 and 9 *agreed to.*

Clause 10 (Improper agreements may be set aside).

Various alterations were introduced.

Sir Roundell Palmer moved several Amendments to the clause; and it being a quarter to Six of the clock,

House *resumed.*

Committee report Progress; to sit again upon *Friday.*

LODGERS' GOODS PROTECTION BILL.

On Motion of Mr. Henry B. Sheridan, Bill to protect the goods of Lodgers against Executions upon the property of the Landlord, *ordered* to be brought in by Mr. Henry B. Sheridan, Mr. Holms, and Mr. Staveley Hill.

Bill *presented,* and read the first time. [Bill 96.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 7th April, 1870.

MINUTES.]—Public Bills—*First Reading*—Divorce and Matrimonial Causes * (67); Divorce and Matrimonial Causes Repeal * (68).

Second Reading—Inverness County, &c. (Boundary) * (48).

Third Reading—Dublin Collector General of Rates Franchise * (44), and *passed.*

Writs and Returns electing the Earl of Lanesborough a Representative Peer for Ireland in the room of the late Lord Crofton, deceased, with the certificate of the Clerk of the Crown in Ireland annexed thereto—*Delivered* (on oath), and certificate read.

THE NEW PUBLIC OFFICES.

OBSERVATIONS.

Lord REDESDALE said, that, pursuant to the promise of the noble Marquess (the Marquess of Lansdowne) on Tuesday night, the plan for the extension of the new Public Offices had been placed in the Library for inspection by their Lordships. It did not, however, show the manner in which the frontage would be carried relatively to the whole of King Street and Parliament Street. He wished to know whether such a plan could be produced, and he hoped that an arrangement would be made for connecting the Privy Council Office by an arch or otherwise with the proposed buildings, so as to lessen the discordance which would attend a different angle and line of frontage. It was much to be regretted that it was not the duty of some office or person to keep a look-out for improvements which might at one time be effected at little cost, but which, if the opportunity was allowed to pass, became costly or impracticable. Their Lordships would no doubt have observed that the house at the corner of Spring Gardens, which was of small value and importance, and might no doubt have been secured at a reasonable price, had just been pulled down, having been purchased by a banking company, who were about to raise a large and handsome structure on the site. Now, had this site been secured an entrance into the Mall might have been made at a small expense, and thus formed a communication through the Mall to Charing Cross, avoiding several narrow thoroughfares, and offering to Her Majesty a direct route to the City. Now, however, the improvement, if ever carried out, would be done at an enormously increased cost. By a little foresight great improvements might be effected at a comparatively small cost.

EARL GRANVILLE promised to make inquiries as to the plan to which the noble Lord had referred.

DIVORCE AND MATRIMONIAL CAUSES BILL [H.L.] (No. 67.) A Bill to consolidate the Acts relating to Divorce and Matrimonial Causes in England: And also,

DIVORCE AND MATRIMONIAL CAUSES REPEAL BILL [H.L.] (No. 68.) A Bill to repeal certain enactments which have been consolidated in an Act of the present Session relating to Divorce and Matrimonial Causes: Were severally *presented* by The Lord PENZANCE; read 1ª.

House adjourned at a quarter past Five o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, 7th April, 1870.

MINUTES.] — PUBLIC BILLS — *Resolution in Committee — Ordered — First Reading*—Wine and Beerhouse Act (1869) Amendment [97].
Committee—Irish Land [29]—R.P.
Considered as amended — Evidence Further Amendment Act (1869) Amendment * [20].

INDIA—REGIMENTAL SURGEONS. QUESTION.

SIR THOMAS BAZLEY said, he wished to ask the Under Secretary of State for India, Why, in the consolidated pay of a Regimental Surgeon of the Indian Army is included a less staff salary than that which is granted to the Commandant, a Wing Commandant, or even to the Adjutant of a Native Regiment; also, of the reason why Regimental Surgeons are the only officers in India who have been deprived of the pecuniary advantage of the new Furlough Regulations of 1868, by the Government of India having ruled that they alone shall be prohibited receiving when on furlough in Europe 50 per cent of the salary of their appointments in India?

MR. GRANT DUFF, in reply, said, the reason why the additional or employed salary, which his hon. Friend called staff salary, of these officers was comparatively small was because their unemployed salary had been recently raised, and was very liberal. With regard to the second point, it had attracted the attention of the Department, and they were now in communication with the Government of India about it.

NAVY—LETTERS TO THE PUBLIC JOURNALS.—QUESTION.

MR. R. SHAW said, he would beg to ask the First Lord of the Admiralty, Whether his attention has been drawn to a letter written to a newspaper by a Commander in the Navy, commenting on a Debate in this House, and whether he intends to take any notice of this proceeding?

MR. CHILDERS: In reply, Sir, to the Question of my hon. Friend, I beg to say that my attention was drawn to a letter published in a newspaper by a Commander in the Navy commenting on debates in this House, and that by the 12th chapter of the Queen's Regulations officers are forbidden to write to any newspaper on subjects connected with the naval service, or publish, or cause to be published, directly or indirectly, in a newspaper or other periodical, any matter or thing relating to the public service. There is no doubt that the publication of that letter was not in accordance with the regulation I have just read; but I am bound to say that this regulation has been, both lately and for some time past, so frequently violated by officers of much higher rank than the officer to whom I presume my hon. Friend alludes, that I should think it far from fair if I took public notice of this letter, considering that others have committed the same irregularity without any notice being taken of it. Under these circumstances, it is not my intention to take any public notice of this proceeding; but the attention of myself and my Colleagues has been given to this subject, and before long we propose to take such steps with reference to the Queen's Regulations, as in our opinion will be advisable, with a view to preventing a repetition of irregularities in this respect.

SOUTH SEAS—DEPORTATION OF NATIVES.—QUESTION.

Mr. KINNAIRD said, he would beg to ask the First Lord of the Admiralty, Whether any further Papers will be laid upon the Table with reference to the Deportation of Natives in the South Seas, and especially to the case of the "Daphne;" whether instructions have been given to the Commodore to watch this traffic and to prevent its being abused; and, whether Commander Palmer will be relieved of the Law expenses incurred in prosecuting the "Daphne?"

Mr. CHILDERS: Sir, in reply to my hon. Friend, I have to say that I have ascertained that the Colonial Office are collecting a large number of Papers on the subject of the deportation of natives in the South Seas, and that my right hon. Friend the Under Secretary of State will shortly lay them on the Table. As to the second Question, Commodore Lambert was directed, on the 1st of October, 1869, to use the utmost vigilance to check the slave-trade character of these operations; and on the 22nd of February last he was instructed to send a vessel to the Fiji and Friendly Islands, and to cruise as far north as Gilbert's Group, taking all lawful means to prevent this traffic. As I stated in reply to my hon. Friend the Member for Leicester (Mr. Taylor) some days ago, an additional ship has been temporarily added to the squadron for this service. As to the third Question, the *Rosario* detained the *Daphne* at the Fijis in April, 1869, on suspicion of carrying natives illegally from Bankes's Group. The case was tried in the Vice Admiralty Court at Sydney; and, although the *Daphne* was released, the learned Judge (Sir Alfred Stephen) certified that there was reasonable cause for seizure. The Secretary of State has approved Commander Palmer's proceedings, and, I may add, that I promoted him yesterday to the rank of captain, expressly to mark our sense of his conduct. The Treasury have also been requested to authorize the payment of his expenses—about £200—by the public.

NAVY—SCHEME OF NAVAL RETIREMENT.—QUESTION.

Sir JAMES ELPHINSTONE said, he would beg to ask the First Lord of the Admiralty, Whether Sir Sidney Dacres was consulted as to the terms and provisions of the late scheme of retirement while it was under consideration; and, if so, whether he approved of the measure in all its parts and arrangements?

Mr. CHILDERS: Sir, I think the House will agree with me that the course taken by the hon. Member is a very unusual one, and ought not to form a precedent. I stated, in reply to his former Question, that my gallant Colleague the First Sea Lord (Sir Sidney Dacres) concurred with me in the scheme of retirement which we submitted for Her Majesty's approval; but my hon. Friend now presses me for details as to the extent to which that gallant officer was consulted, and the exact nature of his concurrence. Sir, I, as First Lord of the Admiralty, and in conjunction with my Colleagues in the Cabinet, am responsible for the advice given to Her Majesty as to the government of the Navy; and it is unusual, and would be inconvenient, that I should be thus repeatedly asked to state to what extent any confidential officer, whose duty it may be to advise me on any part of the business of the Department, did or did not concur with me in the recommendation I may have made to Her Majesty. As, however, I answered this Question in general terms before, and in order to avoid any misapprehension, I repeat that my gallant Colleague did concur with me in all the details of the Orders in Council, and that I consulted him throughout their preparation, which occupied us for five or six months.

CAPITAL PUNISHMENT.

QUESTION.

Mr. WHALLEY said, he would beg to ask the Secretary of State for the Home Department, Whether it is intended to give effect to the unanimous recommendation of the Royal Commission on Capital Punishment by abolishing the same in cases of murder without malice aforethought?

Mr. BRUCE said, in reply, that he must remind his hon. Friend that the offence of murder was never complete unless there was malice aforethought. The recommendation of the Royal Commission was, that the punishment of death should not be inflicted unless there was deliberate murder and express malice aforethought. There was the greatest difficulty in giving effect to this recommendation. The present was not the time for entering into these difficulties; but his hon. Friend would see, by perusing the excellent observations of Mr. Fitzjames Stephen upon the Report of the Commissioners, what the difficulties were.

WESLEYAN MINISTERS IN MILITARY PRISONS.—QUESTION.

Mr. M'ARTHUR said, he would beg to ask the Secretary of State for the Home Department, Why ministers appointed by the Wesleyan Conference for the spiritual benefit of Wesleyans in the Army, who have been, and still are, authorized to visit and minister to Wesleyans in Military Prisons, and whose services have been, and still are, so afforded without any payment being solicited or received from the public funds, are, on the removal of Military Prisoners to the Convict Prison at Millbank, refused admission to that Prison, while Episcopalian, Presbyterian, and Roman Catholic ministers are admitted to minister therein?

Mr. BRUCE, in reply, said, it was always most painful to him to be obliged to oppose any obstacles to the voluntary services of the excellent men who gave religious instruction to the inmates of the convict prisons. Not only in the military prisons, but also in all the county prisons, arrangements were usually made by which the ministers of Dissenting bodies who chose to attend voluntarily could do so; but this had never been the practice in the great convict establishments. There the religious ministrations hitherto had been exclusively performed by two chaplains—one of them connected with the Church of England, and the other a Roman Catholic; and, so far, these services had been performed without any complaint whatever. A short time ago arrangements were made by which military prisoners were collected in Millbank in great numbers, and the question had to be considered whether, consistently with the strict discipline required in this immense establishment, the arrangement as to military prisons could be adopted, and he came to the conclusion that it was impossible it could be carried out. It would have been impossible to have admitted Wesleyan ministers and to have refused admission to Baptist, Independent, and other ministers. The case of the Presbyterian ministers was different, because in the Army, Presbyterian chaplains were regularly appointed as representing Scotchmen, and it had long been the recognized custom to appoint Episcopalian, Roman Catholic, and Presbyterian chaplains. He did not, therefore, feel justified in refusing admission to a Presbyterian chaplain; but he could not venture, without injuring the discipline of this great convict prison, to extend the rule any further.

FRIENDLY SOCIETIES RETURNS.

QUESTION.

Mr. E. RICHARDS said, he would beg to ask Mr. Chancellor of the Exchequer, Whether any arrangements have been made, or are proposed to be made, in the office of Registrar of Friendly Societies to obtain the quinquennial Return of the "rate or amount of sickness and mortality" experienced by each Society within the five years ending December 1870; and whether it is proposed to provide for tabulating such Returns to be laid before Parliament, in accordance with the provisions of the Act 18 and 19 Vic. c. 63?

Mr. STANSFELD said, in reply, that this was a matter which was, to a considerable extent, regulated by the Act. It would be the duty of the Registrar, in the course of this year, to issue his notices calling attention to the provisions of the Act, and, on receiving the Returns, to tabulate them for presentation to the House of Commons.

JUDICIAL SENTENCES.—QUESTION.

Mr. J. HOWARD said, he would beg to ask the Secretary of State for the Home Department, If his attention has been called to a case tried at the recent Bedfordshire Lent Assizes, in which the prisoner, a man thirty-seven years of age, was sentenced to twelve months' imprisonment for an attempt to upset a Railway train; and, whether he will institute an inquiry into those special circumstances, if any, which led to the passing a sentence which, to the mind of the public, is disproportionate to the enormity of the crime?

Mr. BRUCE said, in reply, he had no knowledge of the case beyond that furnished by the hon. Member. The sentence of which he complained, as being inadequate to the enormity of the offence, was passed by a learned Judge, and it had never been the practice of a Secretary of State to call a learned Judge to account for a sentence which, on a due consideration of the circumstances of the case, he had thought it right to inflict.

CANADA—RED RIVER SETTLEMENT.

QUESTION.

MR. WHALLEY said, he wished to ask the Under Secretary of State for the Colonies, with reference to the intelligence that Colonel John Scott had been put to death by Riel, the rebel leader in the Red River Settlement, Whether any steps have been taken to vindicate the authority of the Imperial Government, and for the protection of the loyal inhabitants, beyond such as were communicated to the House by the Right honourable Gentleman on the 22nd March; and, with reference to the following observations of Sir Philip Wodehouse, the Governor of Cape Colony, in a speech to the Assembly:—

> "In North America we have unmistakeable indications of the rapid establishment of a powerful independent State. In Australia it is probable that the several settlements, with their great wealth and homogeneous population, will see their way to similar conditions. In New Zealand the severance is being accomplished under very painful circumstances:"—

whether the Government propose to take any steps to correct the mischievous impressions such language conveys, and thus remove a cause of uneasiness in the minds of Her Majesty's loyal subjects in the Colonies?

MR. MONSELL: Sir, I am sorry to say that the news that reached this country some days ago of Mr. Scott having been put to death has been confirmed by a letter received yesterday from the Governor General of Canada; but having regard to the difficulty of access to the Red River Settlement during eight months of the year, I cannot see what steps Her Majesty's Government can take for the protection of the loyal inhabitants more efficient than those I informed the House two or three days ago were under their consideration. As to the second Question, with regard to Sir Philip Wodehouse's speech, with great respect for the hon. Gentleman, I think it had better have been reserved for the discussion fixed for immediately after the Recess on the relations between this country and her Colonies. It is not possible to answer it satisfactorily in a few words. If the hon. Gentleman will refer to the paragraph of Sir Philip Wodehouse's speech immediately preceding the one he has quoted in his question, he will find that Sir Philip Wodehouse has always been a consistent opponent of responsible government for the Colonies. He asserts that responsible government is opposed to the existence of a Colony as a dependency, and colouring his view by his own pre-conceived notions, he gave the description of several of our Colonies which the hon. Gentleman has quoted. The views of Her Majesty's Government, and, I believe, of this House, and of almost every colonist, are diametrically opposed to the views of Sir Philip Wodehouse. We believe that large communities sprung from our race never can be prosperous and never can be contented unless under responsible government; in other words, with the full enjoyment of liberty. We know that just in proportion to the completeness with which this system has been introduced in our Colonies has their attachment and devotion to the mother country been strengthened and developed. Lord Granville has expressed to Sir Philip Wodehouse the dissent of Her Majesty's Government from the views he has expressed, and I am not aware that any further steps need at present be taken in the matter.

INDIA—THE NAWAB NAZIM OF BENGAL.

QUESTION.

MR. BAGWELL said, he wished to ask the Under Secretary of State for India, Whether a Memorial has been presented by His Highness the Nawab Nazim of Bengal, Behar, and Orissa, to Her Majesty's Secretary of State for India in Council; whether any steps have been taken with respect to the Memorial; and, whether there is any objection to laying upon the Table of the House a Despatch, No. 30, of the 17th June 1864, from the Secretary of State for India in Council to the Viceroy and Governor General of India in Council?

MR. GRANT DUFF said, in reply, that the Nawab Nazim was permitted, by a special act of favour, to present his memorial to the Secretary of State directly instead of forwarding it through the Government of India according to the usual and well-understood practice. That memorial had been sent for report to the Government of India. There was no objection to laying on the Table the despatch of the 17th of June, 1864, which the hon. Gentleman asked for, if he would move for it.

IRISH LAND BILL—[BILL 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress 5th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Compensation in absence of custom).

MR. GLADSTONE *moved* in line 13, "1. £10 and under, a sum which shall in no case exceed years' rent," after "exceed" to insert "seven."

MR. GATHORNE HARDY rose to Order. He believed that the Committee had now passed the words "£10 and under, a sum not exceeding." He was told that this was the case, for he was not present on the occasion, and that the hon. Member for Carlow (Mr. Kavanagh) was thereby deprived of the opportunity of substituting another figure for 10; but he thought that, if the forms of the House would allow, the hon. Member ought to be allowed an opportunity of bringing forward his Amendment.

MR. GLADSTONE said, he would regret if any hon. Members were deprived of the opportunity of moving whatever Amendments they desired; but the reason why, at the last Sitting, he urged the hon. Member for North Wilts (Sir George Jenkinson) to withdraw his Motion for reporting Progress was that the Committee might get on to a point where a new subject commenced.

MR. DISRAELI said, he was present on the last occasion and had a distinct recollection of what took place. What he understood from the language of the Prime Minister was this—that if the hon. Member for Wiltshire (Sir George Jenkinson) would withdraw his Motion for reporting Progress the Chief Secretary would lay on the Table his new scale, on which the hon. Member for Wilts would have an opportunity to give notice of his Amendments, and then there would be a clear issue before the House. The Committee then broke up. With regard to the question referred to by his right hon. Friend (Mr. Gathorne Hardy), it certainly was his impression that there was a distinct understanding that at the commencement of the proceedings this evening they were to enter upon the new scale as upon a virgin subject, and he never was more surprised than when he afterwards learned that Progress had actually been made with the scale, which would prevent his hon. Friend the Member for Carlow (Mr. Kavanagh) from bringing forward his Amendment. It was a most unfortunate occurrence, after the understanding that had been come to on both sides of the House.

THE CHAIRMAN said, they were at line 13, and he might state that the new scale of the Secretary for Ireland, of which notice had been given, had not been proposed to the Committee. What was done was this—an Amendment was made in line 13, and the words "not exceeding" were struck out, and the words "which shall in no case exceed" were inserted. Then the Committee reported Progress.

MR. GATHORNE HARDY said, it appeared from the Notice Paper that the Amendments were still on the Paper for discussion which the Chairman said were disposed of. The Amendments of the Chief Secretary himself were inconsistent with what had passed in Committee.

MR. BOUVERIE must say that his understanding of what had passed was exactly the same as that of the right hon. Gentleman opposite. He suggested that the hon. Member for Wilts should not press his Amendment, so as to leave the new scale to come on for discussion at the next Sitting. This was agreed to, and the hon. Member did not press his Amendment. Then the hon. Member for Exeter (Mr. Bowring) moved his Amendment, in his anxiety for accurate phraseology, and that led to the present misunderstanding.

THE CHAIRMAN could only repeat that the words "not exceeding" were struck out, and the words "which shall in no case exceed" were inserted in line 13, and then the Committee reported Progress. The next Amendment was one by the hon. Member for Limerick (Mr. Synan), to omit "seven" years' rent and insert "ten." Then came the Amendment of the right hon. Member for Buckinghamshire (Mr. Disraeli), to omit seven and insert five.

Mr. SYNAN said, he had given Notice of an Amendment to strike out £10 and insert £50, and he had no idea that he had lost the opportunity of moving it. He was in the House all the time. He now wished to know if his Amendment was to be struck out?

The CHAIRMAN said, the Amendment of the hon. Member for Limerick could not be moved, because the Committee were past the place where it was to be inserted.

Sir GEORGE JENKINSON would appeal to the Prime Minister whether what had occurred on Tuesday evening was not this—He stated that his Amendment would strike out the whole scale; and it was on the distinct understanding with the right hon. Gentleman that they should proceed with any mere formal Amendments as far as the scale, but should not enter upon its discussion, that he consented to withdraw his Motion that the Chairman should report Progress.

Mr. GLADSTONE certainly meant that they should not go into the scale so far as regarded the number of years. He distinctly stated that the Amendment of the Member for Exeter should be moved, and the hon. Member for Exeter made a speech in proposing it.

Colonel BARTTELOT distinctly understood from the Prime Minister on Tuesday evening that he would not touch the scale at all. That was in answer to his hon. Friend the Member for North Wilts (Sir George Jenkinson).

After further discussion on the point of form,

Mr. SYNAN, in moving the second Amendment of which he had given notice, said, the Bill was introduced with the purpose of conciliating the Irish people and shielding the small holders against arbitrary eviction, and he contended that his Amendment would better secure that result than would the clause in its present shape. At present the average amount of compensation given in the North of Ireland, where the Ulster tenant-right prevailed, was shown by the Poor Law Inspectors' Reports to range from £12 to £15, and the effect of the tenant-right existing out of Ulster was the same—in each case the compensation having no relation to the improvements on the holding. Where no tenant-right prevailed, but where the land was held of good landlords, similar compensation, at all events in the case of the smaller holdings, was invariably awarded. The proposal contained in the present Bill was, therefore, an injury instead of a benefit to the smaller holders in Ireland; and for the purpose of making the measure more popular and more effectual in Ireland, as a fine against arbitrary eviction, he moved an Amendment altering the highest scale in the case of holdings of £10 and under to ten years instead of seven.

Amendment proposed, in page 3, line 13, to leave out the word "seven," in order to insert the word "ten."—(*Mr. Synan.*)

Mr. GLADSTONE: Sir, in opposing the Amendment of my hon. Friend, I will endeavour to lay before the Committee various considerations which I think will bear upon the vote which it is about to give. But we have arrived at a point when, having made but a small nominal progress with the Bill, we have really discussed, and in part settled, and in a yet further degree have elicited the views of hon. Members upon the greater part by far of the most important of the weighty and critical questions connected with the earlier portion of the Bill, that portion I mean which relates to the occupation of land. And this word "seven" on which we are now engaged cannot well be judged of except in connection with the distinct views of the intentions of the Government as far as regards other vital matters that have been mixed up with the debate on the amount of compensation to be awarded for loss of holding. What I wish, therefore, if hon. Members will permit me to do so, is to state in the most distinct manner to the Committee—but without one word of discussion or of justification, the course which we intend to take upon those weighty and essential matters which have been raised principally by the hon. and learned Member for Richmond (Sir Roundell Palmer), but which have also been raised by other hon. Gentlemen, because they undoubtedly bear upon the disposition of the Committee and upon the question of the vote of the Committee upon the word "seven," or such other figure as they may agree to adopt. In the first place, there is the subject of freedom of contract, and with regard to this point we propose, by the provisions now under consideration, to fix a term of years beyond which freedom of contract shall not be interfered with. Another question has been raised about the line at which freedom of contract under the provisions of the Bill shall commence, and this, undoubtedly, is a question of great importance. Upon this point, I have to state that we are of opinion that the line we have chosen is the best line; but, at the same time, we are sensible that there is a strong disposition on the part of the Committee to lower that line. Sir, we are in a position of the highest responsibility with respect to this measure. It is a great responsibility to break with this Committee upon the terms of the Bill; but it would be a greater responsibility still were we not to fulfil the pledges we have given to the people of Ireland. But, considering the question in the combined light of these two propositions, we shall, although reluctantly—and I do not in the least degree attempt to disguise our reluctance upon the matter—consent to the reduction of that line from £100 even as low as £50. Then, the next point raised was that we do not allow leases—some hon. Members have said of any kind, some have said of a term shorter than 31 years—to operate as conveying exemption from the Damages Clauses. Now, Sir, I wish the Committee to understand that we have never supposed that such leases ought to be overlooked. Our view upon this subject has been this — that Parliament should fix in the Bill what I may call the unit of stability—that is to say, the duration of leases which in the view of Parliament will give the tenures of Ireland the requisite stability, and which may be regarded as being a fair balance against our scale of damages for eviction. But we never supposed or desired that a less degree of stability than the unit of stability should go for nothing, and we have always anticipated that under the Equity Clauses the man who gives a 14 or a 10 years' lease, although he will not be thereby exempted from his responsibility under the Damages Clauses, will be able to claim that the Judge shall take the fact of his having granted such a lease into account, and that the latter shall award very different damages for loss for eviction from those which he would have awarded in the case of the tenancy having been one merely from year to year. What we shall propose upon this subject is to insert words—the precise technical form of which I do not pretend to give—to this effect, that the Judge under the Equity Clauses shall be at liberty to consider the nature and the duration of the lease or contract under which the tenant has held. Therefore, in awarding the amount of damages due to the latter for the loss of his holding, the Judge will take into consideration the character of the lease or contract which is better than a tenure from year to year, but which is worse than what I have called the unit of stability. There is one other important subject to which I must refer—namely, the omission of the leasing power, which, as the Bill originally stood, was proposed to be given to the landlord under Clause 16. Upon this point I may say that we have never attached the importance to the omission of that leasing power which some hon. Gentlemen appear to attach to it. The idea is that we are about to strike out of the Bill a provision by which a lease of 31 years is made to operate as an exemption from compensation for damages. Such, however, is not the case. What we have proposed to strike out of the Bill is the power of the landlord to tender such a lease and then to escape from the Damages Clauses where that tender is not accepted by the tenant. It seems to be thought that the position of the landlord will be greatly affected by the omission of the Leasing Clause; but I will show you why it does not in reality affect his position in any definite degree. Under the Bill as it originally stood the landlord could not get rid of the Damages Clause merely by saying to his tenant—"I will give you a 31 years' lease." It was necessary, under the provisions of the clause, that the rent and all the terms of the lease must be fixed or approved by the court before the tenant was bound to accept it. Hon. Members also appeared to think that, now that the leasing power was struck out, the tenant would be able to refuse the 31 years' lease at his own will and pleasure, and would then be able to claim seven years' damages. But there, again, they are mistaken. In the case of a landlord offering a 31 years' lease upon reasonable terms, which is refused by the tenant, who demands compensation, we assume that the Judge will award no damages, or, at all events, only nominal damages. Hon. Gentlemen scarcely appear to appreciate the full scope of the Equity Clauses, which are intended to apply to a case of the kind I have been describing. As, however, the matter ought not to be left in the least degree doubtful, we are willing to insert words which shall render the meaning of the clauses perfectly clear and distinct. The hon. and learned Member for Richmond has proposed an Amendment to make it clear that the refusal of the tenant to accept a lease of 31 years upon reasonable terms shall be a matter for the Judge to take into consideration in awarding the amount of the damages. I do not wish to pledge myself to the exact words of that Amendment; but to its principle I have no objection whatever. By accepting that Amendment in the place of the clause as it originally stood, we shall save the Bill from putting an arbitrary power into the hands of the landlord, and we shall save the landlord from the trouble of having to go before the court, in the first instance, to obtain its approval of the terms of the lease he offers in lieu of damages to his outgoing tenant, while it will be in the power of the court to decide how far the offer of a fair lease for 31 years shall go towards meeting the claim of the tenant for damages. The Committee will, I feel certain, excuse my having entered at such length into these points; but it was necessary that I should render them perfectly clear and distinct, seeing that they bear with great force upon the question, what is the proper scale of damages we should fix? To this latter subject I will now address myself. We have proposed the figure seven—I will not at present advert to the precise conditions that we have proposed should attach to that figure. It is but natural, however, that, under these circumstances, we should look to what other authorities have proposed, because, as I stated at the commencement of this debate, we have received the greatest assistance from the results of the inquiries which have been instituted by many individuals. We have proposed seven years as the maximum—not the fixed—payment in the lowest class, with a diminishing maximum as we rise into the higher classes, until we arrive at one year. That is a brief and summary description of our proposal. Now, what are the proposals of those whom I may call the principal authorities upon this subject? In the first place, the hon. Member for Banbury (Mr. B. Samuelson) has not, what the Scotch term, condescended upon the precise figure he would indicate; but he looks upon disturbance as something which undoubtedly should be paid for at a high price. The hon. Member for Linlithgow (Mr. M'Lagan) has suggested that five years' rent should be the basis of the damages; but he has not taken the figure as a maximum reducible to the lowest point, and therefore we do not regard the proposal with favour. A more important authority is Mr. Thompson, who lately sat for Whitby, and I apply the words "more important" to him, because he went to Ireland with the strong conviction that it was impossible to find a way to protect the tenant beyond giving him compensation for improvements, but further reflection has induced him to change his views upon that point. All tenants under £50, even according to Mr. Thompson, who approached the question meaning to give compensation for nothing but improvements, ought to have the power of demanding five years' rent from the landlord absolutely; and not only that, but also the value of the whole of the unexhausted improvements. Now, this is the opinion expressed by a gentleman of whose moderation in every sense of the word the Committee is well aware. It is rather difficult to quote Mr. Fitzgibbon, because his mode of treating the subject is so distinct from ours that it is hard to draw a comparison between them. Still, the principle of his remarkable book is this—and, perhaps, it is all the better because it commences with 25 pages full of the most unmitigated abuse of the Government, though it is an excellent preface in many respects—the principle of his book is that by augmenting the rent voluntarily tended, in proportion, to certain scales of augmentation the actual tenants of the land should be able to demand leases for 60 years, leases for 70 years, and leases in perpetuity. That is the recommendation of the Conservative Master in Chancery, which is prefaced by 25 pages of as sound and rattling abuse of the Government as I ever read. Again, Judge Longfield, if I understand him rightly, recommends *simpliciter* a seven years' payment as equivalent to tenant-right. His writings on the subject are various, but I am now referring to his lately published "Essay," and I believe I have correctly stated the meaning of that "Essay." Lastly, I must quote a gentleman who does not belong to this House, and who has never had an opportunity of distinguishing himself here as he has had in the East. I mean Mr. Campbell, the author of as able a book on this subject as any I have read. Mr. Campbell recommends the absolute sale of tenant-rights, together with the limitation of rents. That is the Ulster custom and something more; it is the custom hardened, sharpened, and defined by the limitation of rents. Those who have listened to the recital of what has been recommended by the principal authorities on the subject will see that Her Majesty's Government, in approaching this subject, have not been under the influence of a disposition to adopt extreme views, or to push to the farthest point even what they might have recommended under the cover of considerable and unquestionable authority. I may remark that I did not state Mr. Thompson's case in detail. According to him, I think, in cases above £50, the landlord ought to have the option of five years' rent or five years' occupation. Of course, under such a scheme, every sensible landlord would give the five years' rent, as he would be afraid to keep a tenant on a farm with a notice that he was to compensate himself as well as he could in the course of the five years. Thus, even in the case of the higher class of holdings, Mr. Thompson proposed to give five years' rent, togther with a claim for unexhausted improvements of every sort. Will the Committee now allow me to explain the difficulty which we had to confront when we came originally to the construction of this scale, for I doubt whether it has been present to the minds of many Members of this Committee as much as it has to our minds? It is extremely difficult to construct a good and sound scale, and the reason of the difficulty is inherent in the nature of the case. It is because the case of the large holdings and the case of the small holdings do not stand in *pari materia*, either as to loss or as to improvements. As far as regards loss, the difficulty is easily met by diminishing the scale; but as regards improvements the case is quite different. The difficulty is, that in the larger holdings you find improvements which I venture to call—though the application of the word is not quite correct—improvements of a merchantable character. If fences and roads are made, and if drainage is carried out on a holding of considerable size, the improvement is of a kind which, when it passes to the landlord, may be regarded as property delivered over into his hands, and he is accordingly called upon to pay for it. But when you come down to the smaller holdings, improvements and loss become mixed up and blended together so that you cannot effectually separate them. On a holding under £10 or £20, and even perhaps, to some extent on a holding under £30, what are the improvements which the Irish tenant makes or can be expected to make? I do not hesitate to say that in the construction of our scale we have been mainly governed by the belief that the only permanent improvement which is found to exist on a holding of that kind, of such a nature that it could be substantiated in court and charged on the landlord, is reclamation of land, together with permanent buildings in certain instances. But it would not very often happen that there would be permanent buildings which could be so charged. What do we know about the kind of building which the Irish tenant of the humbler class raises upon his holding? In Sir George Lewis's book, *On Local Disturbances in Ireland*, there will be found a particular reference to the cost of an Irish tenant's mud cabin, or house, in which he and his family live, which answers his purposes, and which enables him to treat his holding as a farm. Well, he states that 22*s*. 6*d*. is the ordinary cost of such a habitation. ["Oh, oh!"] That is the money cost, as stated by Sir George Lewis. Nay, I will go further, and mention that he declares there is a cheaper kind of house, which you can erect for 7*s*. 6*d*. Now, it would, of course, be absurd to represent the mere money cost of such a house as the real value of it. Still, that is the cost of it, according to Sir George Lewis's meaning, as a marketable article. The mud, stones, moss, and turf which suffice for the circumstances of the poor tenant, are gathered together by him with immense labour. Consequently, the cabin is to him of great value, and if deprived of it he would suffer a great loss. But how is he to establish that value against the landlord, and to make out in court that the money price of the mud cabin does not in the least degree correspond with the value it is to him? If this be true of a house, it is still more true of the gates, roads, and fences made or erected on these small holdings. As, however, the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) says I know nothing about it, I would rather not rest the case on my own authority, and I will, therefore, read a passage from Mr. Campbell's book. Not in this passage only, but throughout the valuable discussion in his work, Mr. Campbell deals with a subject of the utmost practical consequence, and attempts to show that in the case of small holdings you must have regard to considerations different from those which apply to holdings at the top of the scale. Mr. Campbell says—

> "In truth, in this matter, there are two sides to the shield, discrepant and irreconcilable beyond measure. Not only frequently in the North, but sometimes in the South also, the tenants have put up substantial buildings, which no one could deny to be improvements; but, ordinarily, the state of things is this—the tenants say that they have made all the improvements, and given the land its value, as much as the smith who forges the iron and puts a handle to it gives value to a spade; the landlords deny that the tenants have made any improvements whatever which in any proper sense can be called improvements. The tenant says that he or his predecessors have reclaimed and rendered culturable the land, built the homestead, set up the fences, done everything; and that the value he sets on these things is real and not imaginary he proves by showing that men of his class are ready to give large sums for his right of occupancy. The landlord says that, far from improving the land, he has utterly exhausted it by bad farming, and having done so wants to sell what is not his, and go off with the money to America; that so far from the wretched homestead and farm-buildings and divisions of small fields by great wasteful fences being improvements, they are mere burdens upon the land, which can only be well utilized by going to the expense of levelling the fences, throwing down the houses, and consolidating the farms with adjoining farms. The improvements are of great value to the tenant; they are worse than valueless to the landlord. Between these two conflicting views no mortal man can decide the real value. It would be like trying to strike an average between incommensurate things, or deciding at an agricultural show between the relative merits of a horse and a cow."

Now, without saying that this is all gospel, yet I believe that in that passage there are indicated propositions of fundamental importance with regard to the just settlement of this question, and the result is, that whereas at the upper part of the scale, where the mere loss from eviction diminishes, it is separate and separable from the value of the improvements, yet as you go down to the bottom of the scale a great part of the loss from eviction is found to consist in the loss of the use of what he has erected on his holding, and which are real improvements for his purposes, though they are not of a kind which he would be able to go into a court of law to substantiate as improvements against the landlord. If that is so, that is a difficulty we have been under in constituting this scale, and that will explain two things—first, why we made the compensation so much larger at the bottom of the scale; and, secondly, why, in altering the scale, and reducing very considerably the compensation at the upper end of it, we did not alter it also at the lower end. That reason will, I hope, be an answer to my hon. and learned Friend the Member for Richmond, whose question I fully admit to be a pertinent and a weighty one. "First," he said, "you proposed that this scale of seven years should cover improvements and loss; you now propose that it should cover improvements alone." My answer to him is that, as regards that portion of the scale, we did not alter it because we believed that the practical change would be small; and I hope that answer will be sufficient to show the good faith of the Government, and that we were not intending to convict ourselves out of our own mouths by making a great and fundamental change in a leading provision of the Bill—not, indeed, unawares, but certainly without calling to such a change that degree of attention which it ought to receive. It is not quite fair to say, as has been said, that the new scale has increased the number of years, because that is not a proper representation of the case; but, as between the old scale and the new, the state of the case is this—There are seven stages in the new scale, and in one of them the number of years was increased, in two of them the number of years was left the same, and in four the number of years was diminished. Those four were the stages from £30 upwards; the stages from £20 to £30 remain as they were; and the stage from £10 to £20 is increased by one year. Now, it is with that part of the scale which is under £30 that we feel dissatisfaction has been excited among those who were disposed to give a general support to the Bill as it was first introduced, and the Government are quite prepared to admit that there is no occasion for making a serious alteration in the scale as it was originally proposed in favour of the tenant if we make it real, if we take care it is not evaded, if we take care to depart so far from our British ideas as to make it an Irish Bill, and to see that what we propose to give to the tenants by one clause is not taken away from them by doors opened in another. We are satisfied, then, that, substantially, the scale as it stood is not unfair with regard to the lower portion of the tenants, and that the object of separating improvements will best be effected by giving the tenant an option, because we admit that there are cases, even of small tenements, in which it may be desirable to separate improvements from loss. Mr. Campbell says, and says very truly, that—

> "In many cases in the North, and in some cases in the South, good and merchantable improvements have been made, and substantial improvements have been made, even with small holdings."

For the sake of those cases it is desirable to effect a separation; but for the sake of the Irish tenant in general in the small holdings, what is really essential is to take care that we do not deprive him of that fair consideration for those elements of loss which consist in the loss of the apparatus, imperfect as it is, of his farm, under the name of giving him a compensation for all his improvements. Well, Sir, having got so far as this, I may be permitted to point out that this is not a new idea on the part of the Government, and to quote a single sentence from my own speech on the second reading. I admitted that the debate on that occasion had shown that we must attempt more in the way of separation of improvements from losses than the original scale gave, and I did not hesitate to say that as regards the higher tenants, the improving ones, the original scale would have been very unjust, because it would not have offered them a proportionate compensation for improvements. I said I thought the scale from £30 upwards would well and fairly bear criticism if there was to be a scale at all; but I felt the difficulty as regards the lower portion of the scale, and in regard to the association of damages for eviction and payment for improvements, I said this—

> "We were governed in attempting that association by the belief that, as regards the smaller class of tenements, there was much of the produce of the labour of the occupier which might very fairly be considered improvement in relation to his claim for compensation, and yet which it might be difficult to sustain upon the separate ground of improvement as plea before an arbitrator or a Judge. We shall, perhaps, make an endeavour, without in any degree foregoing our object, to effect a more distinct severance between the two elements of payment for improvements and compensation for loss inflicted by eviction."—[3 *Hansard*, cxcix. 1830-31.]

Well, Sir, what we now propose is expressed and conveyed by the proviso which my right hon. Friend the Chief Secretary for Ireland has placed upon the Paper. I am not quite sure whether all the Members of the Committee will at once perceive what will be the operation of that proviso; but I can quite distinctly state to them its intention, and I believe the words are such as will carry that intention into effect in an unimpeachable manner. That proviso is is not at all intended to touch the scale above £30 proposed by my right hon. Friend in his Amendment, for we are all satisfied with that scale, and the complete separation that it effects between compensation for improvements and damages for loss; but that proviso touches the scale below £30, and in this way: the law will say to each man who has a holding under £30—"You have a choice before you upon eviction; you may either take the scale originally proposed (that which now stands in the Bill—namely, seven years and five years) with an ulterior claim for permanent buildings and reclamation of land; or if you belong to that narrower class of small tenantry which has made valuable general improvements in the way of drainage, fencing, gates, and so forth, then we give you an option, and you may certainly claim for improvements of that nature, but in that case you must submit to a reduction in the number of years;" and the reduction would be from seven years to five, and from five years to four. I hope the Committee now well understand what will be the position of tenants. A tenant under £10 will be able to ask for the maximum of seven years' provided he can prove that his loss amounts to it, together with a claim for the reclamation of land and for permanent buildings, or, if he thinks it will be more to his interest to do so, he will be able to demand that all those improvements shall be valued, in which case he must limit his claim to five years. The same event will happen in cases between £10 and £30, excepting that in those cases five years will be the claim for compensation, but four years will be the maximum claim for loss in union with a claim for the value of the whole of his improvements. The Committee may perhaps think that we ought not to have found so much difficulty in arriving at a conclusion on this subject. When I introduced this Bill I stated—and the statement was true—that it had cost us much labour, that we had exerted ourselves to balance as well as we could the several parts of an extremely complicated system. I hear hon. Members complain that they cannot understand the Bill, and I admit that the Bill is difficult of comprehension; but I humbly believe that that is not on account of the obscurity of its language, but is rather owing to the difficulties that are inherent in the subject. We invited suggestions from all parties, and we desired to look impartially at those suggestions from whatever quarter they came. That invitation has not been fruitless, as anybody will be convinced who looks at the Amendments which are upon the Notice Paper of the House. We shall have to make an earnest attempt to combine as well as we can the conflicting views of various sections, and the conflicting claims of duty and of justice as looked at from various points, and I hope that the ultimate effect will be to give such a degree of satisfaction as may enable us to work through Committee on this Bill in a reasonable time. I have been obliged to trespass upon the time of the Committee at some length, because I wished to put them in full possession of the grounds on which we make this proposition. It will be understood that, so far as the word "seven" is concerned (on which we shall have to vote), that number will be subject to the conditions of the original scale, and so will the word "five" which follows it; but by the proviso an option will be given to make a claim for all improvements together with a claim for loss on the lower scale. I have only to thank the Committee for having so patiently listened to me. The great importance of the matter must be my excuse, together with our desire that the Committee should understand the position in which we place the subject; because we feel that after all we have heard about our being now in a position different to that which we occupied when we introduced the Bill, we ought to be in a condition to say—"This is the Bill in its main outlines which, with great solemnity and earnestness, with reference to the condition of Ireland, we present to you for acceptance, and we fervently hope that it may meet with your favour." Being, then, of opinion that seven years is the proper sum, we are unable to accede to the radical change involved in the substitution of the figure "10."

MR. GATHORNE HARDY: I quite understood my right hon. Friend when he said that the Government did not propose to increase the scale which they first laid down; and I wish, just in a couple of sentences, to draw the attention of the Committee to the exact position in which we now stand, and the position in which we shall be placed, by voting for this Amendment. There is an Amendment by the hon. Member for Carlow (Mr. Kavanagh) to reduce the scale, and therefore we are in this position: the Motion to be put from the Chair will be—"That the word 'seven' stand part of the clause," and if that is carried we shall be precluded from subsequently attempting to reduce the scale. I think that is rather an unfortunate position to be placed in by the hon. Member for Limerick (Mr. Synan), and I venture to suggest to him that he should withdraw his Amendment. By taking that course he would be placed in a better position than that which he would occupy in voting against the reduction; for I think he cannot calculate upon such an amount of support for his proposition of 10 years' compensation as to make it necessary for him to divide the Committee upon that point, although that is a matter for his consideration. The proviso added by the Chief Secretary makes a considerable alteration with respect to the lower tenancies, and answers an objection which we have raised. But, as I understand the right hon. Gentleman, these lower tenancies require larger consideration on account of certain things being done by the tenant in that position which are not improvements from the landlord's point of view, but benefits only to the tenant.

Mr. GLADSTONE : Benefits which could not be substantiated in law.

Mr. GATHORNE HARDY : That is to say, it is an Irish Bill in every sense of the word ; because we are told that in the case of improvements which leave no benefit to the landlord and are, in fact, a positive injury to him, but of great benefit to the tenant, the landlord should pay compensation ; that, in fact, he being a person damaged is to pay additional damages to the person who damaged him. That certainly strikes me as the only English interpretation which you can put upon this very Irish Bill. I did not rise to argue this question at length. I only want it to be clearly understood by all those Members who wish to reduce the seven years that, if they vote in the negative, as against the proposition of the hon. Member for Limerick, they will preclude themselves from discussing the expediency of reducing the seven years. If the hon. Member goes to a Division upon the question as now moved — namely, that seven be left out, I shall be compelled, very reluctantly — for I very seldom agree with the hon. Member—to go into the same Lobby with him.

Sir ROUNDELL PALMER: It is obvious that whichever Amendment we ultimately adopt, whether that of the hon. Member near me (Mr. Synan) or of the hon. Member for Carlow county (Mr. Kavanagh), the Question which will be put from the Chair will be the same — namely, "That the word 'seven' stand part of the clause;" and this will be my excuse for saying a few words upon the scale. In the first place, I must say my right hon. Friend at the head of the Government has, in the tone of his speech and in the proposals he has submitted, fully redeemed the promise which he made to the House at the outset, that the suggestions and criticisms which he invited should receive fair consideration, and be listened to with a disposition to adopt them, if there was anything like reasonable ground for so doing. I, of course, do not say that upon all points my views have been entirely met, nor do I say that upon some points I may not feel it my duty to press my views ; but, generally, I have felt great satisfaction at the candour which has been shown in considering the criticisms I have ventured to throw out. With regard to this particular clause, I am bound to say that, looking at all that has already been done, and what is now proposed to be done, by the Government with regard to the modification of the scale of compensation, I, for one, am not of opinion that it would be wise in those who take generally the view I do upon the subject to reject the terms the Government now offers to us. I compare the proposal not so much with the new scale put upon the Paper by the Chief Secretary as with the matter as it stood in the original Bill. Originally, the Committee will recollect, the whole subject of improvements—with the exception of permanent buildings and reclamation of land —was united with the subject of eviction ; and, being so united, compensation was fixed at a sum not exceeding seven years' rent for holdings of £10, and for holdings between £10 and £50 at a sum not exceeding five years' rent. As I understand it, we are now invited to change the figure seven in the first case to five, and with this we must compare the Amendment put on the Paper by a very high authority—the hon Member for Carlow county (Mr. Kavanagh)—who proposes the figure four, so that there is only a single year's difference between the two. I cannot take upon myself to decide between two Amendments differing only by a single year; but, desiring to give as much support as I can to the Government consistently with my own sense of public duty, I cannot oppose the Government on this point and reject their offer. With regard to the second section, I wish to point out that it is not quite the same, because there the hon. Member for Carlow county, though he proposes only one year's difference, does not apply it to the whole category. Deference to his authority makes me hesitate again ; but then I know these cases are much smaller in number, and when I take into consideration other points which I am about to mention, I feel I ought not to make a difficulty in accepting the terms of the Government. The Bill now virtually distinguishes between eviction and improvement, so that if the Court shall not find anything which can legitimately be considered as improvements, and as distinct from mere loss by eviction, it will follow the rule of the Bill and give compensation for eviction only. Then, I take into account two excellent alterations which have been made, first, that which makes it clear that the tenant is not to have a *primâ facie* claim to the maximum compensation, but that he must state his claim and make it good, as far as he can, towards the maximum. That is a most important alteration in combination with what is now proposed, and also with the change introduced on the Motion of the hon. Member for Exeter (Mr. Bowring), by which we have substituted for the words "not exceeding" other words, which make the meaning clear not that the penalty, or whatever it may be, shall in no case be below that amount, but that the sum named shall be the absolute maximum. Taking all these things into consideration, my advice is that we should accept the proposals of the Government.

Sir JOHN GRAY said, after the speech just delivered by the right hon. Gentleman at the head of the Government, he thought it of little consequence whether the Committee adopted £10, or £7, or £5, or any other figure; and though he would vote with his Friend the Member for Limerick, he would not trouble the Committee with any observations on the subject. He had risen solely to protest against the course that was indicated by the Premier's unaccountable statement. He (Sir John Gray) would like very much to know whether they were sitting there as a Committee of the House or as a Committee of Inquiry. Every day some new doctrine was propounded; every day some change was suggested by the Government, and he confessed, though it might be from some want of comprehension on his part, that he was perfectly at a loss as to where they stood or what the Government intended to embody in the Bill. Government now proposed to reduce to £50 the protective restriction which originally stood at £100. The whole Bill, in fact, as it now stood, simply amounted to giving facilities for inducing landlords to offer leases for 31 years, and any landlord who did that would come under the Equity Clause, and the tenant, if he refused to accept a 31 years' lease would practically lose his right to compensation for loss of his tenancy. If this were all that the Bill proposed doing it could as well be effected by a Bill of one clause as by the elaborate machinery and contradictory contrivances now before the Committee. He should be glad if the Government would decide upon something, and determine what it was they were to deal with. The Bill was intended, according to the statement of the Prime Minister, to confer stability of tenure. He should, he confessed, like to see some little stability of opinion upon the Treasury Bench, and be pleased to find that the Government had done with these perpetual shiftings of ground and alterations of front. It would be advantageous if the Government would reconsider their position, and after finally determining what it was they were going to propose, to bring in the Bill again after Easter, and not continue the course of adopting one principle one night, and setting it aside on the next. He hoped they would henceforth indicate some decision, and act on it. The Committee would then understand where they were, instead of having one thing proposed and carried one day only to be reversed the next.

Mr. HUNT: I hope, Sir, that there will be no mistake as to what the Division will really mean. The hon. Member for Limerick (Mr. Synan) and myself both wish to strike out the word "seven" from the clause. We both agree in that; but there we stop. He wishes to strike it out to insert "ten;" I wish to strike it out to insert a smaller number than "seven." Now, the only way in which either he or I can effect our purpose is to both join in striking out the word "seven." The Question to be put from the Chair will be—"That the word 'seven' stand part of the clause." I shall say "no," in order to insert less than seven; he will say "no" in order to insert more than seven.

Mr. COGAN, believing with the right hon. Gentleman who had just spoken that if the word "seven" were struck out the Committee would be much more inclined to agree to the insertion of a lower than of a higher figure, would vote for the retention of the word in opposition to the Motion of the hon. Gentleman the Member for Limerick. The Prime Minister had told them in solemn terms that he regarded the retention of the word as vital to the settlement of the question. He, therefore, thought it behoved them seriously to consider whether they should not support the Government, for, as one living in Ireland, he should not like to look forward with great apprehension and fear to another year passing without a settlement of this question in a manner which would give satisfaction to the large majority of the people of that country.

Mr. M'CARTHY DOWNING confessed to feeling great disappointment at the speech of the Prime Minister. He had certainly expected that Amendments would have been made in the Bill with the view of putting, in the words of the hon. Member for Carlow county (Mr. Kavanagh), in good and honest terms, a penalty for eviction. He found that the 16th clause was to be reinstated in substance, and that the Amendments of those not so well acquainted with Ireland as the Irish Members had been adopted, while the Amendments supported by 30 or 40 Irish Members were not attended to. He had done all in his power to further the passing of this measure and to enhance its value, and though with that object he had placed a good many Amendments on the Paper, it was his present intention to abstain from all further participation in the debates on the Bill, and not to propose any of the Amendments of which he had given notice.

Mr. KAVANAGH observed that after what had fallen from the hon. and learned Member for Richmond (Sir Roundell Palmer, who had remarked that the difference between the proposal of the Government and his own was very small, he felt disposed to agree with the hon. and learned Member's suggestion, and to accept the proposal of the Government in lieu of his own. He should not, therefore, support the Amendment of the hon. Member for Limerick (Mr. Synan).

Mr. O'REILLY said, the proposal with regard to penalty for capricious eviction remained unaltered. The tenant was to recover the maximum damages equivalent to seven years' rent if he showed that he had suffered loss in consequence of causeless eviction. He could not adopt the suggestion of the hon. Member for Cork (Mr. Maguire) fort he insertion of a minimum, because it would be sufficient to show that the maximum of seven years' rent would honestly be attainable in some cases. Proof that loss to the amount resulted from the inequitable conduct of the person responsible would answer the arguments that it was unjust to make the landlord give compensation in every case. He appealed to English Members to be guided in this matter by the judgment of the Irish Members as to the loss sustained by the largest class of tenants from needless eviction. It had been stated that frequently the only alternative for the person evicted was emigration or the workhouse; but very often he had no means to enable him to emigrate, and the result was that he had no choice, and was obliged to go to the workhouse. Damages at the rate of two years' rent would be quite inadequate to give a man with a family the poor alternative of emigration. He would give three illustrations of capricious eviction. A lady inheriting property in Galway, which her predecessors had subdivided when small farms were profitable, thinking that a large grass waste would be preferable, evicted all the tenants, who eventually found their way into the workhouse. A few years ago in Meath a landlord expelled 72 families for a very similar reason. He held in his hand a letter from the owner of a large and well cultivated property in Fermanagh, inhabited by a prosperous tenantry. The writer stated that his property was daily and yearly improving, and that his tenants were advancing in education, in manners, and in every relation of life. He disapproved, however, of the legislation of Parliament in reference to the Church and the land, and declined to hold property under the conditions imposed by this Bill. He should, therefore, serve notices on his tenants, giving those who held at will notice to quit, and requiring the others to leave at the expiration of their leases. He hoped such instances as these would induce English Members to support the maximum rate of compensation.

The O'DONOGHUE distinctly understood that there was not the smallest chance of the hon. Member (Mr. Synan) being able to substitute the figure ten for seven in the clause. He wished to explain that the landlord would not be empowered to force a 31 years' lease upon his tenant, irrespective of its character; for in case of difference it would be brought before the Court, which would judge whether or not the offer made was fair and reasonable; in other words, whether the rent was moderate. The person taking the lease was not to be placed in a worse position than if he held only from year to year.

Mr. SYNAN denied that his object

was the same with that of the right hon. Member for Northamptonshire (Mr. Hunt), and said it would not be consistent with his ideas of morality to enter into any such combination. He wished to give compensation to the extent of 10 years, because unless that amount could be recovered the smallest holder in Ireland would refuse to put improvements upon his land. However, if the figure ten could not be inserted, he hoped seven would be retained.

Question put, "That 'seven' stand part of the Clause."

The Committee *divided*:—Ayes 245; Noes 50: Majority 195.

MR. BRODRICK then rose to propose in Clause 3, page 3, line 13, to leave out "rent," and insert "annual value." He said that, as the clause now stood, it appeared that the foundation adopted for the scale was "the annual value" of the holdings; but when they passed to the measure of the damages for eviction the words were varied, and then it was proposed to give as damages so many years' rent. The fact was, that no proportion generally obtained in Ireland between rent and the Government valuation. So different was the valuation in different places that of two baronies in the same county the land in one would be valued at 25 or 30 per cent below the rent, while in the other the hardest and poorest landlord could not think of imposing a rent equal to the valuation. Then in the case of "accommodation lands"—that is, lands lying immediately around small towns, and the rent of which depended partly upon the population of the towns, and partly upon their trade and prosperity — it would be simply preposterous to attach damages for eviction to the rent of such lands. Thirdly, if an unfair rent had been demanded from a tenant, he must unquestionably lose very much less by being deprived of his farm than if he had occupied it at a fair rent; and, therefore, of all persons in the world, he was the least entitled to claim compensation on that rent. Now, he would not have the slightest objection to having the word "rent" used instead of "annual value," provided it were used in both cases. What he wanted was this—that whatever difference of opinion there might be as to the applicability or desirability of the scale, that scale should be straightforward and fair, and that there should be no doubt as to what it meant or did not mean. As it stood now they took as the measure of the holding the lowest scale, or, in other words, the annual value; but when they came to assess damages they took the highest measure, or the rent, which might be 20, 25, and in some cases 50 per cent above the valuation. The fact that the rent was high in proportion to the valuation did not prove that it was in any way an unfair rent. He had obtained the particulars of a case in which a gentleman farmed a considerable portion of his own land, and made on the average 36*s.* an acre, while it was valued under Griffith's valuation at only 15*s.* That gentleman had also found that the rent which his tenants were able to pay was considerably in excess of the valuation; he had been careful in choosing his tenants, and they prided themselves on being the superiors of the same class in the neighbourhood. A fair rent was what a tenant was able to pay without drawing unnecessarily on his own resources, and that could be determined only by experience. The fair thing to do in this clause would be either to place at both ends the words "annual value" or else the word "rent." He begged to move the Amendment.

MR. CHICHESTER FORTESCUE said, the Government, having carefully considered this point when preparing the clause, could not agree to the Amendment, and he must remind the hon. Member that all the Gentlemen who had placed Amendments on the Paper had concurred in intending that rent should be the principle of the scale of compensation, and not annual value. He thought that rent ought to be taken as the standard, and not annual value. To adopt the course which the hon. Member proposed would, in the opinion of the Government, be most undesirable, inasmuch as the effect of his Amendment would be to impose the lowest penalty on the worst landlord, and the heaviest on the best.

DR. BALL said, he did not think it was quite fair to assume that all those hon. Members who had placed Amendments on the Paper had given their sanction to the use of the word "rent." The fact was they had accepted it because they could not help it.

Amendment *negatived.*

Mr. SYNAN moved, in page 3, line 14, to leave out Subdivision 2. His object in putting the Amendment on the Paper was for the purpose of having, not this narrow scale, but a broader scale, upon which to calculate the amount of compensation; because, as it stood, it was too graduated to calculate the amount of compensation, and the effect of the graduated scale would furnish an inducement to landlords in Ireland to practice eviction upon the compensation scale. The Bill was based, he said, on the assumption that the landlords in Ireland were strongly actuated by motives of self-interest to violate by their treatment of their tenants the dictates of conscience and to outrage public opinion. The clause under discussion, however, would add a pecuniary motive to the others, which now urged them to acts of eviction. Under the present scale a charge would be imposed on the landlord where there were 10 £10 holdings of £700; but if he were to convert those 10 holdings into £100 holdings he would be liable to the payment of £200, so that he would have a direct pecuniary interest to the extent of £500 in turning out all his small tenants and consolidating their holdings into one large farm. The same observations applied to £20 and £30 holdings, and it was therefore that he wished to see Subdivision 2—"above £10 and not exceeding £30, a sum not exceeding five years' rent"—struck out, and greater protection, by that means, afforded to the small holders in Ireland.

Mr. GOLDNEY said, he thought that a full answer to this Amendment had been given by the right hon. Gentleman at the head of the Government when he announced the changes with respect to this clause. As the holdings were lowered in value, so the improvements were inappreciable for the benefit of the landlord. It seemed to him that the matter was now put upon a fair and firm basis. It was said that the tenant did not get the benefit of this alteration; but that was secured to him by this Bill. He thought that the Amendment was not necessary, and he trusted that the Committee would not allow its adoption.

In reply to an hon. Member,

Mr. SYNAN said, he had a subsequent Amendment, fixing a money figure, and a number of years' possession.

In reply to Dr. Ball,

Mr. CHICHESTER FORTESCUE said, he had not the slightest idea of departing from the clause as it was now submitted by the Government. The argument of the hon. Member who moved the Amendment seemed to go against the scale altogether. He did not share the fears of the hon. Member.

Amendment *negatived.*

Mr. KAVANAGH *moved,* in line 14, after "and," leave out from "not" to "rent," in line 15, inclusive, and insert "under £20, a sum which shall in no case exceed three years' rent."

Mr. CHICHESTER FORTESCUE said, he hoped the Amendment would not be pressed. The Government had gone as far as they could in duty go for the purpose of rendering the scale acceptable as far as possible to the Committee, without sacrificing the object of the clause. It was quite impossible for them to depart from the proposition which they now made.

Amendment, by leave, *withdrawn.*

Mr. CHICHESTER FORTESCUE *moved,* in line 13, to leave out from "£10 and under, &c.," to "reclamation of land," in line 35, both inclusive, and insert—

"1. £10 and under, a sum not exceeding seven years' rent; 2. Above £10 and not exceeding £30, a sum not exceeding five years' rent; 3. Above £30 and not exceding £40, a sum not exceeding four years' rent; 4. Above £40 and not exceeding £50, a sum not exceeding three years' rent."

Mr. BOWRING *moved* to leave out from the proposed Amendment the words "not exceeding," and insert "which shall in no case exceed."

Mr. CHICHESTER FORTESCUE said, he would accept the alteration proposed by the hon. Member.

Sections 1 to 4 amended accordingly, and *agreed to.*

5. "Above £50, and not exceeding £100, a sum which shall in no case exceed two years' rent."

Mr. W. FOWLER rose to move an Amendment, which involved the omission of this and of the last paragraph of the revised scale, for the purpose of substituting these words—

"Nothing in this section contained shall have any application to any holding valued as hereinbefore mentioned at an annual value exceeding fifty pounds."

The hon. Member said that the question now raised was a very important one; and that what had been said by the First Minister of the Crown did not at all affect the substance of the Motion which he now made. All that he had said was, that in Clause 10 he would propose to alter the limit at which the principle of free contract should come in from £100 rent to £50; but tenancies above £50 were still left exposed to the full effect of this clause. It was very evident that the right hon. Gentleman and those who drew the Bill felt that there should be a great distinction between the holders of small and large farms; for in the original Bill it was said that as to holdings over £100, the parties might contract themselves out of the section, whilst under £50 they could not get out of it. There was no reason why large holders should have the protection given by this clause, for the whole scope of the section was to help the small holders in Ireland, and not to assist men who were perfectly capable of contracting for themselves. The total number of holdings in Ireland was 682,199; 512,080 were under £15 rent, and of these 428,935 were tenancies-at-will, or from year to year, and were within this Bill. If his proposition were agreed to, 644,188 holdings would have the benefit of that section, and only 37,500 would be excluded from it. They heard the other day of a farmer in Ireland who held 10,000 acres. He had heard of others who held 5,000; and would it not be monstrous that in such cases the tenants should have a year's rent from the landlords in cases of eviction? He concurred in the provisions of the Bill as far as they related to small owners; but he must entirely object to do anything which would throw doubt on the propriety of freedom of contract in cases where freedom of contract could be had. The object of the Bill was to help men who could not help themselves. The principle that the Government had embodied in the Bill was perfectly well known to the law in reference to contracts by married women, minors, and sailors; but the law had always steadily avoided interfering unnecessarily with the freedom of contract. If this great boon were to be given to the farmers of Ireland, the same thing should be given to those of Scotland and England. He thought, speaking generally, that it would be a good thing if the tenant-farmer were more able to obtain the capital that he had put into the land in case of eviction; but they had now to deal merely with the case of poor tenants in Ireland. He thought that tenants in Ireland should be encouraged and not discouraged to contract; that they should be encouraged to rely upon themselves, and not upon an Act of Parliament. He knew it would be said of his proposal that it would simply encourage landlords to consolidate farms; but that argument applied just as much to the Government Bill as to his proposal, because the compensation proposed to be given to small holders was greater in proportion than that allotted to large holders. If it should be objected that it was capricious to draw the line at £50, he would remark that the question as to the right sum might be a matter of discussion; his only object being that the Committee should draw some line where they might stop and go no further; but he reminded hon. Members that the amount of £50 was taken from the original Bill. He had heard it suggested that it was more dangerous, and something like Communism, to give an advantage to small holders simply because they were small holders, than to alter the law altogether for large and small alike. If that were so, the Bill ought never to pass the House, because the condition of the small holders in Ireland was the ground on which it was brought forward. The Bill assumed that some great improvement was required in Ireland, and in that case the Committee ought to confine itself to the matter in hand, and not adopt a principle which it might be compelled afterwards to apply with great inconvenience to this country. He felt so strongly upon the matter that he should divide the Committee upon the Motion. What was the difference between a substantial farmer in England and one in Ireland? Were they not both men with means of their own, and quite able to take care of themselves? Were they not often a good deal sharper than their landlords? He did not think so badly of them as to believe they wanted the protection of this section. He felt great sympathy for the small holders who had been described as holders by status, and not by contract. That, however, was not the position of the substantial farmer, who had entered into a contract which he was as much bound to observe as though he had signed a bill of exchange, but the Committee were now asked to alter his contract for him. He (Mr. Fowler) had voted for this Bill cheerfully as far as it went, but, he confessed, with considerable doubt, lest he should be adopting a principle wrong and inconvenient; but he had made up his mind that he would not allow the principle to be carried any further than was needful. A hard and fast line must be drawn somewhere, and he asked hon. Gentlemen on both sides seriously to consider what they were doing, and to join in asking the Government to put a limit beyond which this section should not apply. He was not speaking now in reference to the question of improvements at all. That question could be better dealt with when they came to the 4th clause. He must say he wished every farmer in England and Scotland, as well as in Ireland, had a better law for their protection in reference to their improvements; but he was utterly opposed to the application of this Act to every tenant in Ireland, both large and small. He therefore moved the Amendment.

Amendment proposed, in page 3, to leave out from the word "Above," in line 16, to the word "rent," in line 18, both inclusive.—(*Mr. William Fowler.*)

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he hoped that the Committee would not agree to the Amendment of his hon. Friend, inasmuch as it would leave the clause in a most unsatisfactory state if it were carried. Indeed, it would be absolutely necessary for his hon. Friend, in addition to his Amendment, to insert some other words in the clause, otherwise it would really defeat the object which he had in view, and a serious question would then arise—whether parties holding lands valued at a sum over £50 and not exceeding £100 would not be entitled to compensation when disturbed without any limitation whatever. This was, however, only a question of detail and not of substance. He opposed it also on substantial grounds. The scale would be a most imperfect one if this Amendment were agreed to. He was not inclined to say, however, that his hon. Friend was wrong when he alleged that a tenancy above £50 a year in value was not a much better one, as far as freedom of contract was concerned, than a tenancy of £10 or £15 a year value. But he must remind his hon. Friend that they were not now dealing with the question of freedom of contract. It appeared to him that his hon. Friend was discussing an Amendment which was applicable to another part of the Bill. What they were now considering was that portion of the clause which referred to the amount of compensation to be given in cases of eviction—whether, in fact, a tenant from year to year in Ireland was not entitled to some compensation for the loss of his holding, which according to Griffiths' valuation was worth above £50 a year. He contended that this class of farmers required protection as well as others, and that protection was best provided for by the proposition of his right hon. Friend the Chief Secretary for Ireland. It was always a difficult matter to draw a hard and fast line; but he asked the Committee whether it would not be a hard case if a tenant with a holding of £49 10*s.* a year in value could obtain compensation, and one with a farm of £50 in value were to be denied it. The scale was proposed and accepted in substance, it had been very carefully elaborated and prepared; the earlier parts of it were not inserted without due consideration of the latter part of the scale, and if they were to take away one or two steps of the scale they would to a certain extent weaken what remained. It should be taken as a whole. His hon. Friend had voted for the Bill—he did not mean for all its details; but he had approved the spirit and general intention of the Bill as dealing with the farming class in Ireland, not the small farmers merely. There was no just reason, therefore, why the scale of the Government should be cut down as now proposed. He suggested to his hon. Friend that he should withdraw his Amendment in order that they might be the better able to discuss the scale as proposed by the Chief Secretary for Ireland. He had observed a tendency in the discussion to deal with the scheme as if it enacted in every case that the maximum sum should be given to the tenant by way of compensation. This was not the case. He thought it might be safely left to the Courts to say what amounts should be received. In no case could it exceed a particular sum, or it might be reduced to nominal damages. It would be better if the hon. Member had any objection to make to defer it until they came to sub-Sections 6 and 7, when the question could be more properly discussed. In any view of the case he was entirely opposed to the Amendment, no matter what form it might assume.

Mr. W. FOWLER wished to explain that he had moved his Amendment at the present stage to meet the convenience of the House. He was told he could not propose his Motion as an Amendment to an Amendment.

Mr. CORRANCE said, he regretted to have to differ from the hon. and learned Gentleman who had just addressed the Committee; but there was a consolation in his being able to agree in the proposition before the Committee. A night or two since he moved an Amendment similar in terms, although one which went further than the present, and then he was told as now that it was not the right time or place to do so, and that it was not conveyed in the right form of words. There were always those insuperable objections raised to Amendments moved by hon. Members, but he remarked that new clauses had been moved by the Government in order to get them out of their difficulty. He only wished there was some insuperable objection to the Government drawing new clauses every night. He believed some of the Amendments produced by the Government were improvements; but they were brought up so suddenly that sufficient time was not given to hon. Members on his side of the House to fully appreciate them, whereas the Government might possibly have depended on their support if they could but understand them. When he moved his Amendment he was met by the Government that it could not be taken because it was inexpedient to consider the scale within the terms of the Amendment. But what were they doing now but considering both the scale and the Amendment? The observations of the learned Solicitor General for Ireland had been based upon the scale. He looked upon the 37,000 independent men to be taken out of the operation of the clause as a miserably small proportion; and from his knowledge of Ireland he was convinced they might have added the whole number of 97,000. The large proportion of holdings affected by this clause had been admitted; but what would be thought in England if half the number of tenants stood in this position? He had seen an entire change in these relations in his own county; and the large landowners who had substituted the system of free contracts and large tenancies had conferred an inestimable benefit upon the agriculture of the country. He did not agree with the learned Solicitor General's statement that all above £50 would then be left out of the operation of the Bill, because they would come in under Clause 4 for compensation, and, if not, he would advise the Government to do in this respect as they had done every morning, bring up a new clause to meet it. He should wish to set up for these men a contract of a different nature, which would not exclude unexhausted improvements. They would not receive compensation because of the expiry of the period of holding, but they would be able to receive compensation for unexhausted improvements. Such a custom existed in his own county. It was a recognized and legal custom, and it rested in default of the tenant upon the landlord. Let the Government give these contracts the benefit of the 4th clause, and let other clauses, if necessary, be drawn to meet the case. The Government had that day introduced almost a new proposition, for, as he read it, he found it substantially lowered the seven years to six years, and still without detriment to the improving tenant. Under the proviso—such a tenant, who could only claim for seven years under ordinary circumstances, was in that position that he could claim for five years for disturbance, and five or six years more for unexhausted improvements, and with no disadvantage to the landlord, because the latter were left in his hands—still he very much disapproved of giving a bad tenant a right to claim for seven years. He had always contended for the principle that power should be taken to redeem the land, so as to get rid of these claims by the granting of leases instead of the miserable yearly tenancies. The whole matter rested on necessity, and great care should be taken to guard themselves in every way against proceeding in a wrong direction. He did not consider it was a Bill much in favour of the tenant, and he considered they were laying the leases on too narrow a foundation for the future prosperity of Ireland.

Mr. B. SAMUELSON said, it was undesirable that a hard and fast line should be drawn above which there should be no compensation, and below which it should only be granted for three years. He considered compensation should be given for evictions, no matter what the rent of the holding might be, provided the Court adjudged it was an arbitrary proceeding on the part of the landlord. The point at which they drew the line would encourage the consolidation of the farms below it, and he did not think it was desirable to encourage in Ireland small holdings of £20 and £50 per annum. Now it was well known that there were in Ireland very large grazing farms. the result of consolidation. They were in the hands of capitalists, who sometimes held as much as 2,000 or even 3,000 acres, and it would be absurd to suppose that such persons should, under the Bill, receive as compensation £1 per acre in case of their holding being disturbed. It seemed to him that a maximum figure ought to be named, beyond which compensation should not go, and he would venture to suggest that the limit should be £250. Whatever the size of the holding—whether 50 acres or 100, or 300, or 400, he would propose that not more than £250 should be allowed as compensation. Of course, if the eviction were capricious—if it was well understood that the tenancy was one of mutual accommodation between landlord and tenant—no compensation whatever should be awarded. He would, when the right time came, propose an Amendment limiting the compensation to £250.

Mr. PELL said, he proposed to confine his remarks to the Amendment moved by the hon. Member for Cambridge (Mr. W. Fowler). On the introduction of the Bill the House was told that one of its chief objects was to check the undue competition for land. That undue competition existed mainly among small tenants, among whom also its worst effects were developed. Tenants at £50 and upwards, however, ought not to subject themselves to the evil of competition, nor to be overwhelmed by the consequences of bidding too high as in the case of the smaller tenants, and he considered that it would be a positive insult to them to propose that they should come under the scale for compensation, involving the supposition that they were unable to exercise their own free will and judgment in taking a farm. In the case of the small tenants it might be supposed that, as eviction deprived them of hearth and home and all the affections connected with them, they were to be compensated accordingly; but the man of capital who took a farm as an investment should not be compensated for ejectment at the same rate. The Solicitor General for Ireland had spoken of the difficulty of fixing a point where the rates of compensation should change, but that difficulty occurred in every scheme; it occurred in the case of the income tax, it occurred in the rating clauses of the Reform Bill, and it had occurred and been overcome in this Bill. At first the Bill had four sub-sections at the commencement of Clause 3; the Amendment of the Chief Secretary added two more. The Amendment now proposed dealt with the question in a straightforward manner; no great injury would befall a man who quitted a holding worth £50 or £2,000 a year, because he would receive compensation on the score of improvements. He believed everything should be done, not only in the sister country but also in this, to induce the tenants to look for compensation in return for *bonâ fide* improvements, instead of encouraging them to catch at such a shadow as a douceur from their landlords for quitting their holdings. He should, therefore, give his support to the Amendment under discussion.

Mr. MAGUIRE said, that, for his own part, he should like to see the graziers altogether excluded from the operation of the Bill, for with that class he had not the slightest possible sympathy. The grazier he might describe as a kind of carnivorous monster, who had devoured the smaller people in his neighbourhood, and done his best to create a waste of the land he occupied. He contended that a man who held a farm at a valuation of £50 was, after all, but a small farmer, and one who could not be classed in the same category with the graziers of Limerick and Clare. He would remind the Committee that upon their decision with reference to one or two clauses it depended whether this Bill would be received with satisfaction by the Irish people or be rejected by the vast majority of the country, and he would therefore appeal to the Members of the Committee not to insist upon the adoption of their own pet schemes, but to leave a great deal of the responsibility of the measure to Her Majesty's Government. There were many farmers of the class contemplated between £50 and £100 who had made a certain kind of improvement which would not come under the operation of this Bill, and there were others who had made no improvements, but who would commence to make them directly they had the protection of a clause which gave them damages for disturbance. If his hon. Friend would amend his Amendment by striking out the graziers he would willingly give him his support; but he implored the Committee not to cut off from the beneficial operation of the Bill a large class of people who were at present really defenceless, and who were not free to enter into a contract as large farmers were in both countries. The Government in their statement that night had done quite enough to shake the confidence of the country in the beneficial operation of the Bill, and he earnestly implored them rather to abandon the measure fairly and boldly than to yield one inch either there or elsewhere to fancied and imaginary improvements. They would even prefer the Bill as it stood, and if the Government did not wish to diminish its value, he entreated the Government not to accept this or similar Amendments.

Lord CLAUD HAMILTON observed that the farmers alluded to by the hon. Member for Cork (Mr. Maguire), though no one had termed them leviathan farmers, were sufficiently elevated in the social scale to be little or not at all affected by the competition for land which was so great in the ranks beneath them. The utmost number that would be affected by the proposal of the hon. Member for Cambridge (Mr. W. Fowler) was 36,000 out of 862,000 holdings. Every one who had heard the Solicitor General for Ireland speak in that House knew that no one was more competent than he was to make the best of a bad case. Therefore, when he heard the sort of arguments which the hon. and learned Gentleman had used in replying to the speech of the hon. Member for Cambridge, he felt that the cause on behalf of which he spoke must be a very bad one indeed. He began by saying that if they excluded those numbers, five and six, as proposed from the scale, they would open the door to an indefinite amount of compensation being applied for; but the next moment he admitted that this was merely a technical objection, and that it could, therefore, be met without difficulty. His next argument was one of a more serious character, and referred to the dangers which would attend those valuations; but if such dangers existed, they went to the very root of the Bill, so far as it rested upon the principle of Government valuations. The hon. and learned Gentleman had somewhat rashly argued that hon. Members who had voted for the second reading had consequently pledged themselves to the principle now at issue; but he, on the contrary, maintained that many who voted for the second reading did so without giving their assent to every portion of the measure. In common with other Members he had wished to express his opinion on the whole measure at that stage, but he declined doing so out of a desire to facilitate the business of the House. He regretted that the Bill of 1862, which he cordially supported, did not become law, as in that event there would have been no necessity for the extravagant proposals made since that time. He had voted for the present measure because he thought there ought to be some legislation for the purpose of helping those who, in consequence of their social position, could not help themselves and fight their own battles on equal terms. That was a principle which he desired to see carried out so as not to interfere unduly, as some clauses of the Bill did, with the free action of a free people. He did not wish to see it enacted that no person in Ireland should be able to make a contract without the intervention of Government officials. Nothing, he hoped, would be done to prevent the system of free contracts being maintained in Ireland, and when the Committee came to the portion of the Bill relating to valuations he intended to state the strong objections he entertained to depriving the landlords and intelligent tenants of Ireland of the liberty of contracting freely with each other. Up to the present moment he had heard nothing that made him feel that the position of the hon. Member for

Cambridge had been successfully opposed, and he would, therefore, give him his support.

MR. PIM said, he thought it would be a decided mistake to adopt the present Motion, and to restrict the right of compensation for disturbance to tenants below £50. It would be a hard case, if this plan were carried out, that a man who had a farm valued at £60, and for which he might pay £75 a year rent, should get no compensation, while a man who had a farm valued at £50, and which might be let for £60, would be entitled to claim. No doubt the hon. Member for Cambridge (Mr. Fowler) was correct in assuming that tenants above £50 were more independent than tenants on smaller holdings; but they were not so independent that they ought to be deprived of all claim to compensation. He was inclined to support the Amendment of the hon. Member for Banbury (Mr. B. Samuelson), that the compensation should in no case exceed £250.

SIR ROUNDELL PALMER said, he was not present when the Solicitor General for Ireland addressed the Committee on this subject; but he could not think that the noble Lord opposite (Lord Claud Hamilton) had correctly represented what the hon. and learned Gentleman said, for it seemed inconceivable that he should have represented the question before the Committee as one involved in the principle of the Bill—[The SOLICITOR GENERAL for IRELAND: "Hear."] He (Sir Roundell Palmer) was much impressed by the authority that had been relied on by the Treasury Bench, and, to a certain extent, was quite willing to defer to it; yet, notwithstanding that disposition, he could not but agree with the hon. Member for Cambridge (Mr. W. Fowler), that the principle of the Bill did not extend to the class of tenants now under the consideration of the Committee. That was not simply his own judgment, but an opinion which resulted from all the inquiries he had been able to make, for he found that some of the very best authorities in Irish matters, from the Devon Commission downwards, agreed in representing the tenants of holdings above £50 in value as a superior class, who had no moral claim to be relieved from the contracts they might make. He could not but adhere to the belief that there was no sound reason for including such tenants in this part of the Bill, and if that was so, practical considerations were not of a very pressing character, first, because in point of numbers such occupiers formed a very small proportion of the tenantry of Ireland; secondly, they were not unprotected, defenceless people, who needed protection; and lastly, he could not see why an exception was due to tenants in Ireland which would not be due to persons in a similar position elsewhere. If the Committee were not in a position to admit the justice of such a claim made by persons of a similar station in other parts of the Empire, the burden of proof must rest upon those who advanced the claim now made before the Committee to show that really and truly there was some reason for admitting it on behalf of the Irish tenants, and the Committee would observe that this clause extended to tenants who paid the highest rentals. His right hon. Friend at the head of the Government had made a proposition with regard to tenancies to be hereafter created which was good as far as it went, and as the parties in such cases were to be left to freedom of contract he had no more to ask. Had this been all he should have been entirely relieved from embarrassment; but there was a clause which must be borne in mind, although the Committee had not yet arrived at it, containing these words—

> "The tenant of any holding held by him under a tenancy from year to year existing at the time of the passing of this Act shall, if disturbed by the act of his immediate landlord, be entitled to compensation under and subject to the provisions of this section."

He could not find any limitation of that principle in any other part of the Bill, and that clause would therefore extend to a class of tenants who, as seemed to be the almost unanimous opinion of the House, ought not to be included in the Bill. The proposal of the hon. Member for Cambridge would confine the mischief of that section within very narrow limits, and the hon. Member for Banbury (Mr. B. Samuelson) proposed to limit the maximum amount of compensation to £250. Both those proposals would cut off the larger tenancies and practically reduce the operation of the clause. He could not see any reason why a class of tenants who were not exceptional persons should have a positive limit put upon their tenancies.

Mr. B. SAMUELSON explained that he did not propose to put any limit on the tenancy, because those who held farms of £400 or £500 per annum might be entitled to compensation.

Sir ROUNDELL PALMER did not mean to say that there was any limit to the amount of the tenancy. There was not; but the Amendment practically gave a limit by fixing the maximum amount of compensation, and it must be clear that any settlement of this question would labour under that difficulty. There must be a limitation, either upon the amount to be received or upon the value of the tenancy, nor did he say this by way of objection, because the same remark would apply to the Amendment of the hon. Member for Cambridge.

Mr. KAVANAGH said, he understood that the Premier had yielded on the point of tenancies above £50 being excluded from the operation of the clause. ["No, no!"] He thought that a man who paid about £75 rent was a farmer quite able to protect himself and look after his own affairs, and would, as a general rule, be in a position to make a considerable claim under Clause 4. The higher they went in an increased and increasing degree, the injustice became more flagrant and more gross. They saw that the higher tenants were a class of men in many cases wealthier than the landowners with whom they dealt, and on whose behalf the faintest plea of either equity or policy could not be adduced. With every bit as much fairness might the inhabitants of the West-end of London turn on their landlords and claim compensation for disturbance. With regard to giving compensation to the graziers, he was utterly bewildered. In vain had he racked his brain to think of any plea which, to the most distorted mind, could recommend such a policy. Two ideas were vouchsafed to him, which he caught at like a drowning man at a straw. Somebody whispered to him that this was called Cardinal Cullen's clause, and he remembered that there was a firm of gentlemen of that name in Ireland who held enormous tracts of grazing land, and paid the astounding sum of £70,000 a year rent. The other straw was that the Government imagined that unless some such check was imposed too great an inducement would be held out to the Irish landlords to consolidate their properties into grazing farms, and turn Ireland into one vast prairie, and if that was the idea which had driven them to this extraordinary course, he was vain enough to think that he could relieve their minds from that fear. The right hon. Gentleman was a most powerful man, and was backed by an overwhelming majority; but he doubted whether, with all his power, and even with the whole Consolidated Fund at his disposal, he could turn the poor land, of which his property was unfortunately composed, into grazing land that would fatten bullocks; and without this he could never turn it into grazing farms, for the simple reason that those poor innocent graziers were quite wide awake enough to know that it would not pay them to take it at any rent. He was not making this protest against the graziers from any interested motive; he did not own one single acre of land in any of the grazing districts. He objected to it for the plain and simple reason that he believed and hoped every Member of the Committee would object to it—because it was unjust.

Viscount ST. LAWRENCE said, he felt himself pledged to do justice to every class of Irish farmers; but he could not help thinking that in the higher class of farmers the Government were dealing with men in independent circumstances, and who did not need the protection of the Bill.

Dr. BREWER said, he readily admitted that tenants in Ireland of £50 valuation and upwards were generally of a class able to take care of themselves, and needed less consideration undoubtedly than the class of, and under, £10 holdings, for whose protection, primarily, the provisions of the Bill were devised. The noble Lord the Member for Tyrone had, however, inconsiderately concluded that the exclusion of the £50 class of tenants from the advantages contemplated by this measure would simply affect the 36,000 persons who were numbered as occupiers of £50 and upwards. The contrary was to be feared, as the relief of landlords from all liability for causeless evictions would inevitably incline them to consolidate their farms, and the operation would be that which might be pointed out as the defect in any scale for compensation which stopped short at any particular figure—namely, that the proprietor of the land would, in his effort to free himself from the responsibility incurred under the Bill, rid himself of those tenants whose holdings were protected by the provisions of the enactment. The effect of this Amendment would be that holdings of £10 would be merged into holdings of £20; those of £20 into £30, and so on, thus evading the whole object of the Bill, which was to protect the small tenants and secure them their occupations on terms consistent with rights of property. The noble Lord the Member for Tyrone had further advanced the assertion that this sub-section would tend to destroy the free contracts of landlords and tenants; but the noble Lord seemed to have forgotten the concession made by the Premier that evening, that the line at which the free contract, prospectively, was to be lowered, was that of the £50 valuation tenancy. The Amendment, therefore, of the hon. Member for Cambridge (Mr. W. Fowler) was wholly inexpedient and needless. It would simply evacuate the force of the whole Bill and realize the worst fears of the Irish people on the subject of English legislation. It would stimulate the consolidation they especially deplored. It was not even sought to be disguised that many hon. Members on both sides of the House viewed with favour this consolidation of small holdings, and looked upon this process as a regenerating one. But for what was the House called upon to legislate? For a portion of the Empire in a state bordering on open rebellion. ["No, no!"] Hon. Gentlemen cried "No, no!" What, then, meant the Coercion Bill? What meant the outcry of the insecurity of property, and, more, of life itself, which had filled that country with dismay? What was the motive for introducing this Bill? Was it not to calm the agitation, to pacify the excitement, and give contentment to Ireland? The primal duties of the Government were paralyzed by the general disaffection of a large — the largest class of the Irish people. The design of this measure, broadly stated, was to make the Irish respect the law; but no law was anything but a dead letter which contravened and outraged a people's sense of justice and confirmed wrong—or what they felt and considered a wrong and an injury. Far better for Ireland to reject this measure altogether than to pass it vitiated by a provision which evacuated the principle and marrow of the Bill, and which would render it inoperative save in arousing that sense of suspicion—nay, even of hopelessness in English ability or willingness to remedy their grievances, which had already worked so much misery to the country and so much perplexity to the Government. He therefore earnestly hoped the hon. Member for Cambridge would withdraw his Amendment; or, failing to do so, that the Government would elect, as a preferable alternative to the adoption of it, the loss and total abandonment of the measure.

MR. CHICHESTER FORTESCUE said, he was sorry that the Government should find themselves in opposition to the hon. Member for Carlow (Mr. Kavanagh); but he hoped that upon examination the practical difference between them would be found to be but small, because the Government were disposed to concur in all that the hon. Member had said respecting the grazing farmers in Ireland, and they were prepared to accept an Amendment which would exempt purely grazing farms from the operation of the clause. The difficulty was really one more of machinery and definition than anything else. Neither was there any great controversy between the hon. and learned Member for Richmond (Sir Roundell Palmer) and themselves, although he was bound to say that he agreed rather with the hon. Member for the city of Cork (Mr. Maguire) than with the hon. and learned Gentleman with respect to the position of the Irish tenants of £50 a year holdings. The greatest misunderstanding appeared to prevail among hon. Members with respect to the position of the tenants of these Irish holdings above £50 per annum who held upon Irish tenures—he did not refer to those few tenants who held, or might hold, on English and Scotch tenures, where the improvements were made by the landlord, who were provided for under another clause. He referred to purely Irish tenures coming above the line of £50 valuation, and he agreed with those Irish Members who had said that it would be a disastrous thing to draw the line at this particular point, and to leave all tenants of holdings above it to make what were called free contracts with their landlords without the protection of the clause. The truth was, that tenants of that class were not in the independent and powerful position they had been represented to occupy; they were like other Irish tenants, suffering from a system that was now condemned, although he would not deny that they did not require as much protection as tenants of smaller holdings. Government would be prepared to place the limit for compensation for loss of occupation at £250, as suggested by the hon. Member for Banbury (Mr. B. Samuelson), regarding the higher class of tenants. He appealed to the Committee, and earnestly trusted that, having admitted the necessity of a measure of this importance for the peace and prosperity of Ireland, and having sanctioned such important provisions as those which had already been agreed to, they would not, on account of any doubtful assumption of authority, undo the good work they had already done.

Dr. BALL remarked that it was exceedingly important that the Committee should understand what they were about to do, and upon what question they were about to vote. They were not debating what was to be the rule of the future, because the right hon. Gentleman at the head of the Government had already announced to the Committee that in Clause 10 he would alter the limit of £100 to £50, above which line there would be freedom of contract. What the Committee were now debating was, whether tenants from year to year who had holdings above £50 a year should be entitled to make any claim for compensation for disturbance. He thought that the Amendment of the hon. Member for Cambridge (Mr. W. Fowler) might facilitate subdividing large holdings, as the landlord need not compensate when dividing them. He agreed with the hon. Member for Cambridge that a £50 yearly valuation represented a £75 annual rent. On looking at the Return he found that there were 24,857 holdings valued at between £50 and £100 per annum, and 12,668 valued at £100 and above. There were farms in the West of Ireland valued at £300, £400, and £500 per annum, and he had heard of one large estate where the whole property was broken up into farms valued at £500 per annum. Now, if the landlord of such a property desired to divide it into farms of £50 or £100 rent each he would have to pay one year's rent to the present occupiers to get rid of them, whereas under the Amendment he would have nothing to pay. Again, he thought tenants of large farms had gained great advantages under the Bill and there was no need to give them more. To instance the case of a tenant holding a farm worth £300 or £400 per annum, what was his present position, and what would be his future position, under this Bill? At present he was liable to a six months' notice to quit; the Bill extended that notice to 12 months—no inconsiderable advantage in itself. Secondly, it gave him the whole of the growing crops, all buildings and reclamations, and all unexhausted manures, although he never contracted to be paid for one of those subjects of compensation under the Bill. Then was this compensation for disturbance to extend to large tracts of grass land? There was an Amendment of his own on the Paper, dealing with the question of grazing farms, and limiting the compensation to agricultural farms, and excluding such as were merely pastoral. His right hon. Friend the Chief Secretary for Ireland had said the Government would take that point into consideration; but he had given the Committee no assurance on the subject. This matter of grazing farms was a very important one, and the giving of compensation in the case of those farms would afford no satisfaction in Ireland. The large grazing farms were a subject of complaint in Ireland. It was alleged that they took up the room that might be occupied by a large number of farmers, and that the individuals who held them occupied more land than they should do, to the exclusion of tillage farmers; and the occupier of one of those grazing farms was looked upon as a more objectionable person than the landlord himself, because there was less chance of inducing him to let it. He thought the general feeling in Ireland would be to leave the large farmers to take care of themselves. The whole desire of the people was to protect the small farmers. The proposal of the Government would place a large tax on the landlords. The occupier of one of those grazing farms would absorb what might compensate a number of small farmers. The opposition to the Government proposition was no party or factious one. This was shown by the fact that the Amendment came from a supporter of the Government. As there was no demand for the proposition of the Government, he should give his support to the Amendment.

MR. GLADSTONE: Sir, I am sorry to have to trouble the Committee with any observations on this subject; but the grave and serious nature of the Amendment of my hon. Friend near me compels me to do so. I do not think the right hon. and learned Gentleman opposite (Dr. Ball) succeeded in clearing the question of its difficulties; because he says that to-day I engaged to lower the limits of free contract from £100 to £50. Now, the right hon. and learned Gentleman is not quite correct in his recital. I did not say I engaged to lower the limit from £100 to £50. What I announced was, that we should reluctantly but ungrudgingly make that concession if required to do so by the feeling of the House. [*Dissent.*] I am only correcting the statement of the right hon. and learned Gentleman in order that the Committee may understand how the case stands. He is perfectly correct as to the concession itself; but when the Government has a strong opinion and parts with it in deference to the sense of the Committee, is it forbidden to me to say that we do so reluctantly though ungrudgingly? The right hon. Gentleman says he is satisfied as to the future with the concession we have made, and I take that to be the feeling of the Committee also; but if he is satisfied as to the future that freedom of contract should prevail in the case of holdings of over £50 a year, and if the proposal of my hon. Friend, embracing the future, goes much further, and if the Government, who are most responsible for this Bill, see the utmost possible difference between that concession and my hon. Friend's proposal, I am at a loss to see what can be the motive of the right hon. and learned Gentleman in supporting the Amendment. It has been said that the case of existing tenancies of £50 a year ought to be considered and provided for. I do not exactly see my way now on that part of the case, and I cannot give any pledge on the subject; but, setting aside for the present that which is retrospective, I want to know if the right hon. and learned Gentleman is satisfied with the concession we have made as regards the future, he declares his intention of supporting an Amendment which goes a great deal further. [MR. BOUVERIE: How does it go further?] It goes further in this way—because, while we say that we will leave the holder of a £50 holding free to contract himself out of the Bill hereafter if he should think fit, when Parliament gravely declared that he was not excluded from compensation, it would be quite a different thing to say that Parliament reversed that moral judgment, and declared he had no claim at all. The proposal of my hon. Friend is to strike him out. To adopt it would be to strike him out of the scale of compensation for loss, and to declare that he had no claim at all. What we propose is that Parliament should not divest him of that *primâ facie* claim. If Parliament should assert not that he shall receive compensation for being put out, but that on proof of loss by being put out his claim shall not be barred, that is a moral judgment, and when that is declared we are not afraid to say we will allow free contract. We are not, however, prepared to say that in no case whatever shall he have a claim. Now, as to grazing farms, I am sure that if the right hon. and learned Gentleman possessed one Parliamentary, and it is, perhaps, the only Parliamentary, advantage he does not possess—a little more experience in that House—he would know that when the Government say they undertake to consider a point, that is no unmeaning phrase, but one from which the Government would find it very difficult to escape. I may go further and say that with regard to grazing farms, properly so called, I believe there can be no difference of opinion between us. Our proposition is to protect the real agricultural holdings. It is a question whether grazing farms fall within the literal meaning of that term; but certainly they do not come within its moral meaning. With respect to retrospective tenancies it is quite true that there is one part of the Amendment of my hon. Friend—but it is only a limited portion of it—which goes beyond that point. The right hon. and learned Gentleman says this will be a severe tax on the landlords. With regard to that I not only admit, but feel there is a great deal to be said as to the holders of large farms; and there is a concession which we are ready to make not only ungrudgingly but willingly. The concession I allude to is absolutely limiting the sum for loss by eviction to £250 in all cases. That is an Amendment which I regard as a decided improvement in the Bill; it does not draw any line as to class; it does not put any class out on account of the size of the farm; but it goes on the perfectly just principle that as the farms ascend in value, the loss descends till it comes to zero. Therefore the Committee sees to what we have agreed. I am deeply anxious—more anxious than I can say, that the Committee should understand the nature of the question at issue, and the difference between the concession we have made, and which the right hon. Gentleman says is satisfactory to him or sufficient for him as regards the future, and the sweeping changes in the Bill which my hon. Friend the Member for Cambridge (Mr. W. Fowler) seeks to introduce. Now, as to the merits of that change, Parliament is asked to declare that there can be no case for providing damages on eviction upon a valuation above £50. We are not prepared to admit, and that is our first objection—we are not prepared to admit, under the circumstances of Ireland, and with the pressure that exists for the occupation of land there, that the inconveniences and the evils calling for our interference come to a stop when you reach the point of £50 valuation. We cannot make that admission consistently with our own conscientious convictions, and with the best inquiry we could make. We admit that in certain cases, and in some parts of Ireland, that might be so. We deny that it is so universally or even as a general rule in that country. The capital which the Irish farmer has invested in stocking his farm is much less, on the average, than the English farmer has similarly invested, and consequently, at the same valuation of £50, you must not suppose that the man who holds a farm in Ireland is possessed of the same means as if he held a corresponding farm in England. Neither must you assume—and this is an important point —that if you put him out of that farm he will have the same chance or the same facilities for obtaining another as is the case in England. If he had, that would go far to dispose of this question of loss. That is the first reason why we cannot accede to the Amendment of my hon. Friend. The second reason is its tendency to consolidation. The right hon. Gentleman opposite made an argument which, coming the first time from him, I am totally unable to understand—namely, that the change here proposed would operate adversely to consolidation. The state of the case is this—you have actually voted that up to the point of £50 you will give three years of compensation if the loss be proved; and then immediately we pass the point of £50 we are called upon to destroy that three years' compensation and bring it down to zero. Will there be no tendency in that to create such a consolidation of farms as will, at any rate, take them out of the category of £50 holdings? I do not say there would be the slightest tendency to encourage a consolidation of holdings at £70 or £80 into farms of £300 or £400. That is a totally different matter, and I should be comparatively indifferent to such a consolidation as that. But the tendency to consolidation comes in exactly where it ought not—namely, in regard to a class of farms where we do not desire to give the least inducement for consolidation. Nobody will say that the Irish farmer at £30 or £40 a year, if he be industrious and possessed of self-denial—as is the case with most of his class—is not perfectly capable of maintaining himself. Well, you grant these men compensation up to the limit of £50, and then you are to say to the landlord—"If you only take the farm out of the category below £50 and place it above £50 you shall be free from the section as to damages altogether." That, I think, is a most serious and formidable objection, and I do not know how you are to get over it. I believe one of the things that indispose the minds of the Irish people towards English legislation is the indiscreet manner in which consolidation of farms is sometimes propounded as a wholesale remedy for the evils of Ireland; and if the suspicion goes forth at this time, at this critical moment, that Parliament is legislating with a view to that result, we could not, if we wished to find some contrivance by means of which to destroy the beneficial objects of our work—we could not possibly hit upon one more disastrously adapted for the purpose than this. But that, Sir, is not all. My hon. Friend says, with complacency —"This is only striking out 36,000 people. What is that? There are 600,000 for whom you are going to provide." Yes; and who are these 36,000 people? Why, the leaders of opinion among the tenantry. Does my hon. Friend wish that we should attempt to carry with us Irish opinion? [*A laugh.*] Ay, the right hon. Gentleman sneers; but, notwithstanding, I hope my hon. Friend is desirous that we should carry with us on this occasion Irish opinion—I mean the opinion of the Irish tenantry. Is it possible, then, I say, to conceive a better method of disinclining Irish opinion to follow us than to take those 36,000 men, who bear about the same proportion to the whole tenantry as the officers in an army, and who, as the greater tenants, have very considerable influence with the rest, and to say to them—"We exclude you from the benefit of our Bill as far as loss by eviction is concerned. We invite you, as it were, to become enemies of the Bill, and to do all you can, in consequence of your sense of the invidious manner in which you are treated, to disincline the general mind of the tenantry from accepting the measure offered by Parliament?" In a mere money point of view this might be no very great matter; the low rate of the scale would keep it within bounds. But the moral effect of this exclusion leads me to say that in our conviction a more infelicitously devised proposition than this—a proposition more calculated to disseminate mistrust and raise obstacles in the way of the acceptance of our measure, it is impossible to imagine. Sir, I have said something, I hope, to justify the statement with which I began—namely, that I am most anxious the Committee should have the point placed clearly before it, because, in our view, it is a question of the most serious nature. There are Amendments of various kinds that may be made in most important Bills of the Government. There are Amendments which the Government itself may desire to see approved. There are Amendments which the Government may not have the wit to design—as was the case in this instance—but which it may thankfully accept. There are Amendments that it may accept rather than run the risk of saddling itself with any responsibility for the miscarriage of a great measure. There are other Amendments with regard to which it is absolutely necessary that the Government should retain to itself entire and thorough freedom of action, and in respect to which it can come under no engagement whatever. I hope my hon. Friend does not think we have shown an inflexible obstinacy. If he does, I appeal to the not ill-humoured, nor illegitimate, nor infrequent jests which have been passed on the number of the changes and the modifications that we have proposed in the provisions of this Bill. I appeal, moreover, to the declarations made by myself to-night. We have shown, I think, by those declarations that it is to us a matter of the most anxious study to meet the wishes of the Committee. But I stated also that there were other matters which it was our still higher duty to keep in view—not our own character, nor our own existence. These are small matters, except to ourselves, in comparison with the interests to which I now refer. Well, what was the effect of the concession I made to-night on the part of the Government, speaking as their organ? The effect was, that my hon. Friend the Member for Kilkenny (Sir John Gray) rose in his place and denounced the speech that I had made, and, certainly, the speech that he made gave us no right whatever to expect from him any further support to the Bill. My hon. Friend the Member for the county of Cork (Mr. Downing) rose in the same manner and denounced the concessions that we made with a view to meet the feeling of the House, and the equity of the case combinedly, and he likewise spoke, in the tone of a man who despaired, of his intention to withdraw his Amendments and let the Bill take its course as a matter about which he had become indifferent. Sir, we cannot give way. Painful as it is to hear declarations of that kind from my hon. Friend the Member for Kilkenny, who certainly has no insignificant means both of representing and acting upon opinion in Ireland, and who has evinced a great desire on many occasions to concur in the settlement of great public questions; and much as we regret to hear such declarations from my hon. Friend the Member for the county of Cork, and whose announcement I must bear out that no man has laboured more zealously and more conscientiously, if he could, to reconcile Irish wants with British opinion, we are compelled to take our stand firmly in the face of those hon. Gentlemen, and to say that we abide by the intentions which we have announced. We do not think that they leave the Bill other than a just and an adequate

Bill. But we should lose the whole of our moral strength in the face of my hon. Friends, in the face of the people of Ireland, were we to yield to a pressure which, after all, comes—and it is no reproach to my hon. Friend to say so —from those who have not, and cannot have, either the same responsibility or the same means of judging of the exigencies of this case. Sir, I address these words to the Committee, I address them to my hon. Friend. He must know that he has to play a part of no small weight and moment. We have done our best; we have striven honestly, anxiously, earnestly to consult the various feelings and sentiments with which we have to deal. We know it is idle to legislate in the abstract without regard to those feelings and sentiments. We have the consciousness of having used every effort. We must rest. Others, wiser, stronger, better than we are, will, perhaps, form their own judgment how it is well to settle the land question of Ireland.

Mr. HENLEY: The right hon. Gentleman asks why it is that persons on this—the Opposition—side of the House are not satisfied with the concession which the Government have made for the future. It is a very fair question, and, as far as I am concerned, I will endeavour to answer it for myself. We have been engaged nearly two days this week in an endeavour—I will not say very successfully—to get an explanation from the Government as to what it was exactly that tenants were to be paid on going out. We laboured—I am sorry to say—with indifferent success—to get a known out of an unknown. And what is the end now, towards the close of a long and weary discussion? The right hon. Gentleman himself told us that this legislation was exceptional. He told us most distinctly, and as plainly as language could put it, that the compensation was not payment for a right of occupancy. He told us also that this legislation was not applicable to England, and was not applicable to Scotland. And why? Because the state of Ireland is so exceptional. He went on to describe it, not in his own language, but quoting the language of others. Quoting the hon. Member for Carlow (Mr. Kavanagh), the right hon. Gentleman said, with the poor Irish tenant, if evicted, the only alternative is America or the workhouse. The right hon. Gentleman went on to quote Lord Russell's words in 1846—words, mind you, used at a time when there were 2,500,000 more of people quartered on the Irish soil than at this moment. See how the right hon. Gentleman uses things that he cannot say are analogous to those of the present time. Look to what the removal of 2,500,000 of people is from a soil of the limited extent of Ireland. Well, then, I say the reason we are not satisfied with the present position of the Bill is this—that, even on the terms which the right hon. Gentleman himself has laid down, the Amendment of the hon. Member for Cambridge (Mr. W. Fowler) ought to be carried. For if no limit is put to this principle, which is not exactly defined, why is it not applicable to England—why is it not applicable to Scotland? You say it is not applicable to England or to Scotland, but that it must be applied to Ireland on account of the special circumstances of the Irish tenants. And what are these special circumstances? Is it such a low amount of the tenancies that you yourself say if the occupiers are put out there is nothing for them but the workhouse? If that is the reason, then I say there ought to be a limit, whether it be exactly at £50 or not, because the value is very much less than the rent in Ireland. I do not think the exact sum named material; but I say there ought to be a limit in order to mark distinctly why this exceptional legislation is resorted to and why it is right. Then we should be saved from laying down a principle which might be extended to England and Scotland. The right hon. Gentleman has himself told us this legislation is exceptional. Well, then, I call upon him, because it is exceptional, and on the very ground that he has himself laid down, to admit some limit, whatever he may see to be just, in order to mark out where one state of things ends and the other comes into the general state of contract. An hon. Gentleman who spoke early in this discussion said it was not at all a case of contract. I think the circumstances I have named do bear on this matter with regard to contract, because the whole question turns upon whether persons are independent or otherwise, and a rating above £50 some 30 years ago was considered to make a tenant independent in England. But a

£50 man is at least as good in Ireland as he is in England, and I think it is safe to presume that he is in a position not only to know what he is about, but also to be capable of doing for himself if by any accident he is displaced. These are the reasons, if the right hon. Gentleman asks for them, why Gentlemen on this side are not satisfied, and I feel bound to support the Amendment of the hon. Member for Cambridge because I think it comes within the four corners of the principle which the right hon. Gentleman himself has laid down.

MR. W. H. GREGORY said, the Committee had heard a speech made by one Irish landlord on the other side—one, he was bound to say, of the most excellent landlords in Ireland, his hon. Friend the Member for Carlow (Mr. Kavanagh), he trusted they would hear a few remarks from another Irish landlord, who differed from his hon. Friend. When the hon. Member for Cambridge (Mr. W. Fowler) first brought forward his Amendment he felt it would have been his duty to support it, had it not been for the clearly-indicated opinion of the Government that it was necessary to deal with the question of grass lands. But now they had obtained from the Government a distinct opinion on the subject, and therefore all the objections he had previously entertained on the score of there being no barrier or limit fixed fell to the ground. With respect to the Amendment, he could only say this—and he was speaking from what he knew — that if he was to go back to his own part of the world when this Bill was passed, and if he was to meet those tenants of his who exceeded £50, and was asked by them—"What did you mean to do for us by your legislation?" he should be ashamed to reply —'I have done my best to protect every other class in the community; but you, the best, the most intelligent, the most industrious, the most hard-working, the most Conservative portion of the whole population, you who exercise an influence on public opinion, who are Poor Law guardians, and fulfil all the different functions of a larger class of tenants, I have done nothing for"—if he had to say that, he should be ashamed of the position which he held in that House. For that reason he would oppose the Amendment.

MR. C. S. READ said, he was glad to hear from the First Minister of the Crown that they had a distinct and intelligible issue on which to vote, for he could assure the Committee that in the last two Divisions he had been sadly puzzled and perplexed. He had been told by every Member who had spoken that this principle of compensation for eviction was to be regarded as strictly exceptional. If it were to be regarded as strictly exceptional, and to be applied only to Ireland, he would ask to what portion of the Irish nation were they to apply it? Surely to the cottier farmer; for if they were going to apply it to the large farmers, why not apply it also to England and Scotland? What was the difference between occupiers of £50 rental in England and Ireland? He would engage to say that, as a rule, the Irish farmer was richer, and a good deal sharper, than the English farmer of the same class. Why was he not so well off? Simply for this reason—that by the tenant-rights and usages that now exist he could not apply his capital so successfully as the English farmer could; and by this Bill, if they put compensation for eviction also on him, he would, in that case, have to pay a heavier tenant-right. When the right hon. Gentleman the Chief Secretary for Ireland told them that, under the English system, if introduced into Ireland, the tenant above £50 was to escape from the operation of the clause, he would ask, what was the English system? Was it a 21 years' lease? No; it was founded on a six months' notice to quit; and if there was this difference, that the landlord in England always found the buildings, why, under the other clauses of the Bill, the Irish tenant would be compensated for every penny that he might spend. He had gathered from the speech of the Prime Minister that they were to revert to what was originally in the Bill with regard to very small holdings, and that compensations for eviction and improvements were to go together, because in the case of such holdings it would be impossible to appraise the improvements. But when the right hon. Gentleman introduced the Bill, he stated that the improvements were to be of such a kind as to increase the letting value of the land and to be suitable to the holding; and yet now it was said that they were not to compensate the tenant for improvements which were no improvements at all as respected the landlord. If we must have this wretched principle of payment for eviction, it should be limited as much as possible. What was wanted was not to give to the Irish farmer this premium of sleepy security, but to instil into his mind that the better he farmed the more compensation he would receive; and, happily, under the new provisions of the Bill, Irish landlords would be encouraged to give very good and substantial leases.

Mr. W. FOWLER said, the right hon. Gentleman at the head of the Government had placed him in a trying position, for he disliked to oppose the right hon. Gentleman. He had supported the Bill throughout, and he hoped it would not be thought that in proposing this Amendment he was disloyal to the right hon. Gentleman or his Government. It was fully understood when the Bill was brought in that it would be open to Amendments from either side of the House. Much as he regretted having to propose an Amendment unacceptable to the right hon. Gentleman he felt that he must persist in it, for it embodied a principle involving very important consequences. The right hon. Gentleman thought these consequences very serious with regard to the future of Ireland; but it must not be forgotten that they had to consider the interests of the United Kingdom. They ought to confine exceptional legislation within proper limits. He had proposed the Amendment with no wish to persist in the exact limit of £50, but to say there should be some limit. That point was, in fact, conceded by the right hon. Gentleman when he said that grazing farmers were not to come under the operation of the clause, and stated his readiness to accept the Amendment of the hon. Member for Banbury (Mr. B. Samuelson). Therefore, he thought the right hon. Gentleman might fairly accept this Amendment. He should have thought it dangerous for Parliament to give an advantage to the tillage farmer which the grazing farmer was not to enjoy. He understood that the hon. and learned Member for Richmond (Sir Roundell Palmer) agreed with him in thinking that the Amendment involved a principle so serious that he would not be justified in withdrawing it. Though with the utmost reluctance, he should press for a Division on the question.

Sir ROUNDELL PALMER: After the allusion just made to me, it will be my duty again to trespass shortly upon the Committee. I feel very strongly the difficulty and the gravity of the position in which we are placed, owing to the manner in which this question has been met on the part of my right hon. Friend. Acknowledging freely the disposition he has shown to meet to a considerable extent the feelings and objections of those behind him and on the other side of the House, I own I have not been convinced of the sufficiency of the reasons for the limits he has hitherto placed to his plan on this subject. At the same time, I understand that my right hon. Friend has conceded, with regard to tenancies to be created after the passing of the Act, what satisfies the right hon. and learned Gentleman (Dr. Ball) and satisfies me, as far as matters are left to free contract. That being so, I should have thought there would be no great difficulty in taking the further step of dealing with the whole question according to the proposal of my hon. Friend (Mr. W. Fowler); but the Prime Minister, who is the best judge in his own cause, thinks with regard to the future there is a great difference between the proposition he is willing to submit to the House and the Motion of my hon. Friend, and he regards that difference as one of such vital importance that he evidently thinks the Bill would be seriously embarrassed by the adoption of this proposal. If my right hon. Friend precluded all hope of any limit being placed on the retrospective part of the Bill beyond this—that every tenant from year to year above a certain value is to be paid by his landlord upon eviction some fine which may amount to £250, provided the Amendment of the hon. Member (Mr. B. Samuelson) is accepted, if we had no hope of anything beyond that for limiting the operation of the Bill upon existing tenancies, then, unwilling as I should be to vote against the Government on such a question, I could not reconcile it with my sense of justice to admit the principle that a man changing his tenant was to pay a fine in Ireland and not in England or Scotland. Nor can I say that the exception of grazing farms in any way whatever satisfies me. In any view of the case this seems difficult to reconcile with the principle laid down. But my right hon. Friend says, if this

Amendment is not accepted it will be still open to the Committee, without placing the Government in a position of so much difficulty as that in which they will stand if this Amendment were adopted, to consider what limit ought to be placed upon the retrospective portion of the clause. Now, in the position in which I stand as to this Bill, my sole desire is to promote its passing to the utmost of my power, with such concessions as are needful for the prevention of mischief arising from what we are doing. That being so, and my right hon. Friend telling us that, if we do not adopt this Amendment, he will not feel precluded from considering the question of limiting the operation of the retrospective portion of the clause, I feel bound, in the interest of the great and paramount objects I wish to promote, to offer my respectful advice to my hon. Friend to withdraw the Amendment.

Mr. R. TORRENS called attention to the fact that the scale advanced by sums of £10 until it reached £50, when a sudden leap was made to £100. He suggested that the higher part of the scale should be further divided by the addition of the words, "above £50 and not exceeding £75;" and that a final limit should be placed at £100.

Mr. NEWDEGATE supported the Amendment, pointing out that in the Reform Act of 1832 a tenant-farmer of £50 rental was assumed to be independent. Now, the hon. Member for South Norfolk (Mr. C. S. Read) had told the Committee that such a farmer in Ireland was quite as well off as the same person in England, and he thought, therefore, they ought to give no exceptional advantage to the Irish farmer. It appeared that in £50 the Committee had a limit which was sanctioned by the Legislature as defining independence, and therefore competency to contract; and, that being so, he should support the Amendment of the hon. Member for Cambridge, as founded not only on common sense, but on justice.

Question put, "That the word 'Above' stand part of the Clause."

The Committee *divided*:—Ayes 250; Noes 218: Majority 32.

AYES.

Acland, T. D.
Agar-Ellis, hn. L. G. F.
Akroyd, E.
Allen, W. S.
Amcotts, Colonel W. C.
Amory, J. H.
Anderson, G.
Antrobus, E.
Armitstead, G.
Ayrton, right hon. A. S.
Backhouse, E.
Bagwell, J.
Baines, E.
Barry, A. H. S.
Bass, A.
Baxter, W. E.
Bazley, Sir T.
Beaumont, Captain F.
Bentall, E. H.
Biddulph, M.
Blennerhassett, Sir R.
Bolckow, H. W. F.
Bowmont, Marquess of
Bowring, E. A.
Brady, J.
Brand, right hon. H.
Brassey, H. A.
Brassey, T.
Brewer, Dr.
Bright, J. (Manchester)
Brinckman, Captain
Bristowe, S. B.
Brocklehurst, W. C.
Brogden, A.
Brown, A. H.
Bruce, Lord C.
Bruce, Lord E.
Bruce, right hon. H. A.
Buller, Sir E. M.
Buxton, C.
Cadogan, hon. F. W.
Callan, P.
Campbell, H.
Candlish, J.
Cardwell, right hon. E.
Carington, hn. Capt. W.
Carnegie, hon. C.
Carter, Mr. Alderman
Cartwright, W. C.
Castlerosse, Viscount
Cavendish, Lord F. C.
Childers, rt. hn. H. C. E.
Cholmeley, Captain
Cholmeley, Sir M.
Clay, J.
Cogan, rt. hn. W. H. F.
Coleridge, Sir J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Cowper, hon. H. F.
Craufurd, E. H. J.
Crawford, R. W.
Dalglish, R.
Dalrymple, D.
Dalway, M. R.
D'Arcy, M. P.
Davies, R.
Dease, E.
Delahunty, J.
Denman, hon. G.
Devereux, R. J.
Digby, K. T.
Dilke, Sir C. W.
Dillwyn, L. L.
Dixon, G.
Dodds, J.
Downing, M'C.
Dowse, R.
Duff, M. E. G.
Edwardes, hon. Col. W.
Edwards, H.
Egerton, Capt. hon. F.
Enfield, Viscount
Ennis, J. J.
Erskine, Admiral J. E.
Fagan, Captain
Fawcett, H.
Finnie, W.
FitzGerald, rt. hn. Lord O. A.
Fletcher, I.
Forster, C.
Forster, rt. hon. W. E.
Foster, W. H.
Fortescue, rt. hon. C. P.
Fortescue, hon. D. F.
Fothergill, R.
Gavin, Major
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldsmid, Sir F. H.
Goschen, rt. hon. G. J.
Gourley, E. T.
Gower, hon. E. F. L.
Gower, Lord R.
Gray, Sir J.
Gregory, W. H.
Greville, hon. Captain
Grieve, J. J.
Grosvenor, hon. N.
Grosvenor, Lord R.
Grove, T. F.
Guest, M. J.
Hadfield, G.
Harcourt, W. G. G. V. V.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marquess of
Haviland-Burke, E.
Hay, Lord J.
Henley, Lord
Herbert, hon. A. E. W.
Herbert, H. A.
Hibbert, J. T.
Hodgkinson, G.
Holms, J.
Howard, hon. C. W. G.
Hughes, T.
Hughes, W. B.
Hutt, rt. hon. Sir W.
Hyde, Lord
Illingworth, A.
James, H.
Jardine, R.
Jessel, G.
Johnston, A.
Johnstone, Sir H.
Kay-Shuttleworth, U. J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Knatchbull - Hugessen, E. H.
Lambert, N. G.
Lancaster, J.
Lawrence, Sir J. C.
Lawrence, W.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Lefevre, G. J. S.

Lewis, J. H.
Lorne, Marquess of
Lowe, rt. hon. R.
Lush, Dr.
Lusk, A.
M'Arthur, W.
M'Clure, T.
Macfie, R. A.
M'Lagan, P.
M'Mahon, P.
Magniac, C.
Maguire, J. F.
Marling, S. S.
Martin, P. W.
Matthews, H.
Melly, G.
Merry, J.
Miall, E.
Milbank, F. A.
Miller, J.
Monk, C. J.
Monsell, rt. hon. W.
Moore, G. H.
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
Murphy, N. D.
Nicol, J. D.
O'Brien, Sir P.
O'Conor, D. M.
O'Donoghue, The
O'Loghlen, rt. hon. Sir C. M.
Onslow, G.
O'Reilly, M. W.
O'Reilly-Dease, M.
Otway, A. J.
Palmer, J. H.
Parker, C. S.
Parry, L. Jones-
Pease, J. W.
Peel, A. W.
Pelham, Lord
Philips, R. N.
Pim, J.
Plimsoll, S.
Pollard-Urquhart, W.
Potter, E.
Power, J. T.
Price, W. P.
Rathbone, W.
Rebow, J. G.
Reed, C.

Richard, H.
Richards, E. M.
Robertson, D.
Robinson, E. S.
Rothschild, N. M. de
Russell, A.
Russell, H.
Rylands, P.
St. Lawrence, Viscount
Samuda, J. D'A.
Samuelson, B.
Sartoris, E. J.
Shaw, R.
Shaw, W.
Sherlock, D.
Sinclair, Sir J. G. T.
Smith, E.
Smith, J. B.
Stacpoole, W.
Stansfeld, rt. hon. J.
Stapleton, J.
Stepney, Colonel
Stevenson, J. C.
Strutt, hon. H.
Synan, E. J.
Taylor, P. A.
Torrens, R. R.
Torrens, W. T. M'C.
Tracy, hon. C. R. D. Hanbury-
Trevelyan, G. O.
Villiers, rt. hon. C. P.
Vivian, A. P.
Vivian, H. H.
Vivian, Cap. hn. J. C. W.
Walter, J.
Wedderburn, Sir D.
Wells, W.
West, H. W.
Whatman, J.
White, J.
Whitwell, J.
Whitworth, T.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Woods, H.
Young, A. W.
Young, G.

TELLERS.

Adam, W. P.
Glyn, hon. G. G.

NOES.

Adderley, rt. hn. Sir C. B.
Allen, Major
Amphlett, R. P.
Annesley, hon. Col. H.
Anstruther, Sir R.
Archdall, Captain M.
Arkwright, A. P.
Arkwright, R.
Assheton, R.
Aytoun, R. S.
Bagge, Sir W.
Bailey, Sir J. R.
Ball, J. T.
Baring, T.
Barnett, H.

Barrington, Viscount
Barttelot, Colonel
Bateson, Sir T.
Bathurst, A. A.
Beach, Sir M. H.
Beach, W. W. B.
Bective, Earl of
Bentinck, G. C.
Benyon, R.
Beresford, Lt.-Col. M.
Birley, H.
Brand, H. R.
Bright, R.
Brise, Colonel R.
Broadley, W. H. H.

Brodrick, hon. W.
Bruce, Sir H. H.
Bruen, H.
Burke, Viscount
Burrell, Sir P.
Cameron, D.
Cartwright,
Cawley, C. E.
Cecil, Lord E. H. B. G.
Chaplin, H.
Charley, W. T.
Child, Sir S.
Clowes, S. W.
Cole, Colonel hon. H. A.
Colebrooke, Sir T. E.
Corbett, Colonel
Corrance, F. S.
Corry, rt. hon. H. T. L.
Croft, Sir H. G. D.
Cubitt, G.
Curzon, Viscount
Dalrymple, C.
Dawson, R. P.
Denison, C. B.
Dick, F.
Dickson, Major A. G.
Dimsdale, R.
Disraeli, rt. hon. B.
Dowdeswell, W. E.
Duff, R. W.
Duncombe, hon. Col.
Dyke, W. H.
Dyott, Colonel R.
Eastwick, E. B.
Eaton, H. W.
Egerton, hon. A. F.
Egerton, Sir P. G.
Egerton, hon. W.
Elcho, Lord
Elliot, G.
Ewing, A. O.
Feilden, H. M.
Fellowes, E.
Fielden, J.
Figgins, J.
Finch, G. H.
Fitzwilliam, hn. C. W. W.
Forde, Colonel
Forester, rt. hon. Gen.
Garlies, Lord
Gilpin, Colonel
Goldney, G.
Gordon, E. S.
Gore, J. R. O.
Gore, W. R. O.
Grant, Col. hon. J.
Graves, S. R.
Gray, Lieut.-Colonel
Greene, E.
Gregory, G. B.
Guest, A. E.
Gurney, right hon. R.
Hambro, C.
Hamilton, Lord C.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamilton, I. T.
Hamilton, J. G. C.
Hamilton, Marquess of
Hardy, right hon. G.
Hardy, J.
Hardy, J. S.

Hay, Sir J. C. D.
Headlam, rt. hon. T. E.
Henley, rt. hon. J. W.
Henniker-Major, hn. J. M
Henry, J. S.
Herbert, rt. hn. Gen. Sir P
Hermon, E.
Hervey, Lord A. H. C.
Heygate, Sir F. W.
Hildyard, T. B. T.
Hill, A. S.
Hoare, P. M.
Hodgson, W. N.
Holt, J. M.
Hood, Capt. hn. A. W. A. N
Hope, A. J. B. B.
Hornby, E. K.
Hoskyns, C. Wren-
Hunt, rt. hon. G. W.
Hutton, J.
Ingram, H. F. M.
Jackson, R. W.
Jenkinson, Sir G. S.
Kavanagh, A. MacM.
Kekewich, S. T.
Keown, W.
Knight, F. W.
Knox, hon. Colonel S.
Lacon, Sir E. H. K.
Laird, J.
Langton, W. G.
Laslett, W.
Legh, W. J.
Lennox, Lord G. G.
Leslie, C. P.
Lewis, J. D.
Liddell, hon. H. G.
Lindsay, hon. Col. C.
Lowther, J.
Lowther, W.
Malcolm, J. W.
Manners, Lord G. J.
Manners, rt. hn. Lord J.
March, Earl of
Mellor, T. W.
Meyrick, T.
Milles, hon. G. W.
Mills, C. H.
Montagu, rt. hon. Lord R.
Morgan, C. O.
Mowbray, rt. hon. J. R.
Neville-Grenville, R.
Newdegate, C. N.
Noel, hon. G. J.
Paget, R. H.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Parker, Lt.-Col. W.
Patten, rt. hon. Col. W.
Peek, H. W.
Pemberton, E. L.
Percy, Earl
Phipps, C. P.
Plunket, hon. D. R.
Powell, W.
Raikes, H. C.
Ramsden, Sir J. W.
Read, C. S.
Ridley, M. W.
Round, J.
Royston, Viscount
Sackville, S. G. S.

Salt, T.
Sandon, Viscount
Sclater-Booth, G.
Scourfield, J. H.
Selwin-Ibbetson, Sir H. J.
Seymour, H. de G.
Shirley, S. E.
Sidebottom, J.
Simonds, W. B.
Smith, A.
Smith, F. C.
Smith, R.
Smith, S. G.
Smith, W. H.
Somerset, Colonel
Stanley, hon. F.
Stone, W. H.
Stronge, Sir J. M.
Sykes, C.
Talbot, J. G.
Talbot, hon. R. A. J.
Taylor, rt. hon. Colonel
Tipping, W.
Tollemache, hon. F. J.
Tollemache, J.
Trevor, Lord A. E. Hill-
Turner, C.
Turnor, E.
Vandeleur, Colonel
Verner, E. W.
Verner, W.
Walker, Major G. G.
Walpole, hon. F.
Walpole, rt. hon. S. H.
Walsh, hon. A.
Waterhouse, S.
Welby, W. E.
Wethered, T. O.
Whalley, G. H.
Wheelhouse, W. S. J.
Wilmot, H.
Winn, R.
Wyndham, hon. P.
Wynn, C. W. W.

TELLERS.
Fowler, W.
Pell, A.

House *resumed.*

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

WINE AND BEERHOUSE ACT (1869) AMENDMENT BILL.

LEAVE. FIRST READING.

Act read; *considered* in Committee.

(In the Committee.)

Sir HENRY SELWIN-IBBETSON, in moving that the Chairman be directed to move the House that leave be given to bring in a Bill to amend "The Wine and Beerhouse Act, 1869," said, he would confine himself to two or three remarks as to the nature of the Bill, and would reserve his arguments in support of the clauses for the second reading. It might be thought by some, after the announcement made in the Queen's Speech that the Government desired to bring in a Bill dealing with the subject generally, that any attempt at legislation on the part of a private Member was out of place; and, indeed, it was not his wish to stand in the way of any Government measure on the question; but experience had shown that there were certain errors in the Act of last Session which it was most desirable to rectify. The principal point which had been brought under his notice was a defect in the 1st clause of the Act. It had been found that persons, whose certificates had been refused because they had misconducted their houses, were continuing to carry them on under cover of brewers' licences, which the Excise could not refuse even in the absence of a certificate. He therefore proposed to abolish the brewers' licences. In the next place, in a number of towns in the North, licences for the sale of sweet wines had been taken out by persons who had been deprived of beer licences for misconduct; and he proposed to extend police inspection to the houses of these wine dealers, in order to check the irregularities which prevailed in them. Thirdly, the owners of beer-houses, on giving a tenant who had misconducted a house notice to quit, were prevented from transferring the licence from the outgoing tenant to the incoming tenant by the former refusing to hand over the certificate which was necessary to complete the transfer. In many cases large sums were demanded for eviction—if he might use the term, from these ill-conducted houses, and it was attempted by the 4th clause of the Bill to correct that evil. Penalties also were frequently mitigated by magistrates to the most trifling amount; and therefore a limit below which the penalty should not be reduced would be a part of the measure he proposed to introduce. In many cases a beer licence was taken out together with a grocery licence, and it was found that circumstance led to some irregularity, and consequently it would be proposed that the beer licence should rule the hour for closing the house.

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend "The Wine and Beerhouse Act, 1869."

Resolution *reported:*—Bill *ordered* to be brought in by Sir Henry Selwin-Ibbetson, Mr. Headlam, and Mr. Akroyd.

Bill *presented,* and read the first time. [Bill 97.]

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, 8th April, 1870.

MINUTES.]—Public Bills—*First Reading*—Medical Act (1858) Amendment (69); County Courts (Buildings)* (70); Survey of Great Britain, &c.* (71).

Committee—*Report*—High Court of Justice* (72); Appellate Jurisdiction* (73).

MEDICAL ACT (1858) AMENDMENT BILL.

PRESENTED. FIRST READING.

EARL DE GREY AND RIPON, in presenting a Bill to amend the Law relating to the Qualification of Practitioners in Medicine and Surgery, said, their Lordships were aware that there were at present a considerable number of separate corporations and bodies having power to confer licences upon gentlemen desirous of entering the medical profession, and that these licences entitled the recipients to be placed on the Medical Register. In the three kingdoms there were no less than nineteen licensing bodies, and it was, therefore, not to be wondered at that there should be a material difference in the terms under which they admitted their licentiates, and as to the nature of the examination to which those licentiates were subjected. Some of the bodies confined their examination to surgery, and others to medicine; while the fact of being placed on the Medical Register entitled the persons to be considered legal practitioners both in surgery and in medicine. It was proposed in the Bill to substitute for these various modes of entering the medical profession a single Examining Board in each of the three kingdoms, and to require uniformity in the character of the examinations. With that view it was proposed to give to the existing medical authorities—who were entitled to fair consideration on account of the services they had rendered to the profession, power to submit to the General Medical Council a scheme for the constitution of the new examining Boards; but with this restriction, that if any of them did not exercise that power within the time limited in the Bill, the power would lapse to the General Medical Council, who should themselves propose a scheme. The scheme when prepared would have to be submitted to the Privy Council before coming into operation; and their sanction would also be required as regarded the rules and regulations to be made by the General Medical Council for the conduct of the examinations. There was no intention to interfere with the existing corporations with regard to their higher degrees. He had every reason to hope the measure would not be unacceptable to those bodies and to the public.

A Bill to amend the Law relating to the Qualification of Practitioners in Medicine and Surgery, and otherwise to amend the Medical Act, 1858—Was *presented* by The LORD PRESIDENT; read 1^a. (No. 69.)

INCORPORATED SOCIETY OF ATTORNEYS AND SOLICITORS IN IRELAND.

PETITION. MOTION FOR AN ADDRESS.

LORD CHELMSFORD, in calling the attention of the House to the Petition presented by the Incorporated Society of Attorneys and Solicitors of Ireland, and to move an Address for the issue of a Commission thereon, said, he had to bring before their Lordships the case of a very important body—namely, the Incorporated Society of Attorneys and Solicitors in Ireland. The facts which he had in the first place to bring to their notice as set forth in the Petition were these—Until 1866 every solicitor or attorney resident in Ireland was compelled to be a member of the Honourable Society of the King's Inns, Dublin, a voluntary association, the Governing Body of which were the Benchers, consisting of the Chancellor, Judges, and members of the Bar. The Benchers had for many years exercised control over both branches of the profession, and had laid down regulations for the admission of attorneys and solicitors, comprising, among other fees, one of £11 7*s.* 6*d.* on every such admission, as a deposit for chambers, to be allowed on taking chambers or the ground on which to build them. A Parliamentary Return in 1866 showed that, up to that time, the fees derived from all sources had amounted to £92,000, of which £53,800 had been derived from this admission fee; and, according to a report of the Society of the King's Inns in 1859, the amount of these deposits was £46,000, of which £30,000, they represented, had been expended on a hall, library, and chambers for the general use of the profession, and £11,000 on reception chambers and lecture rooms, to which they urged the attorneys were fairly bound to contribute. The solicitors did not question the application of these moneys; but they asserted that the only benefit accruing to the solicitors from this large sum was that they were allowed to occupy what were called the Solicitors' Building in the Four Courts; while no provision whatever was made for educating and training solicitors' apprentices, or for testing by examination the qualification of candidates for the profession in Ireland. In 1846, a Committee of the House of Commons sat to inquire into the state of legal education in Ireland; Mr., now Judge, Longfield was examined as a witness before that Committee, and expressed an opinion that, on no principle of justice could solicitors be required to contribute to a fund from which they derived no advantage; and the Committee reported that no provision was made for the education of solicitors' apprentices. The Society of the King's Inns, nevertheless, took no action in the matter; and it was not till 1860, on the solicitors obtaining a Parliamentary inquiry, that the Benchers consented to establish a Professorship, with an endowment of £100 per annum, and to appoint an Examiner at £30 per annum; the fees then amounting to £87,000. The solicitors were naturally anxious to emancipate themselves from the rule of the King's Inns; and, in 1866, a Bill was introduced into Parliament constituting them, as in England, a separate society. He (Lord Chelmsford) was intrusted with the charge of the Bill in their Lordships' House, when the second reading was agreed to without a division, his noble and learned Friend the late Lord Cranworth, who then occupied the Woolsack, stating that he saw no objection to it. The Benchers, however, of course unwilling to relinquish such a profitable source of income, communicated with Lord Cranworth in a manner not altogether candid or complete, and his noble and learned Friend at the next stage of the Bill expressed serious doubts of its expediency, on the ground that the solicitors enjoyed reception rooms, lectures, and accommodation in return for their fees. After hearing, however, from himself a full explanation of the facts, his noble and learned Friend, with the candour and sense of justice so conspicuous in his character, admitted that the merits of the Bill had been entirely proved; and it thereupon passed without opposition. On the separation taking place, the solicitors contended that they had a right to the fund which had accumulated; and the following year the Benchers, evidently sensible of the claim which the solicitors had upon them, offered the Incorporated Society a lease of the apartments in the Four Courts then in their possession, at a nominal rent, on condition of their keeping them in repair. The Incorporated Society, in reply, expressed their disappointment at the Benchers not having handed over to them the whole building in their possession, and the cost of which had been defrayed out of their own money, and their hope that on re-consideration the Benchers would yet do so. The Benchers answered this in the negative; and on their attention being called to the considerable sums in their possession contributed by the solicitors, and to the propriety of a conference with a view to an amicable settlement, they stated that they were not aware of the existence of any claims which rendered a conference necessary. The correspondence was continued without any result; and, unfortunately, the King's Inns, not being a corporation, could not be sued, while the Incorporated Society of Attorneys and Solicitors was also incapable of suing or being sued in its corporate capacity. Moreover, all the Judges, both in law and equity, were members of the King's Inns. Feeling strongly the justice of the claim, he hoped their Lordships would not, by rejecting his Commission, deny the solicitors the only available remedy. They were not anxious to bring the King's Inns to a strict account with regard to these deposits for chambers; but simply desired to obtain suitable accommodation in the building, which at present they were not even offered. He trusted that the Benchers would meet the Incorporated Society of Attorneys in a spirit of conciliation, and that the existing differences would be amicably adjusted.

Moved that an humble Address be presented to Her Majesty praying that Her Majesty will be pleased to issue a Commission to inquire into and report upon the total amount of the sums received by "The Honourable Society of the King's Inns, Dublin," upon the admission of attorneys and solicitors as deposits for chambers, and in what manner the same or any part thereof has been applied and disposed of, and what portion of the amount remains unappropriated to the purposes for which it was received, and whether the Incorporated Society of Attorneys and Solicitors of Ireland are in possession of suitable buildings for the accommodation of that branch of the profession of which they are the governing body.—(*The Lord Chelmsford.*)

THE LORD CHANCELLOR said, that his noble and learned Friend, in introducing his Motion, had spoken with a little more asperity than was necessary on behalf of those who had entrusted their interests to his advocacy. He (the Lord Chancellor) had no difficulty in acceding to the Motion, inquiry being obviously due under all the peculiar circumstances of the case. He had communicated with the Judges and other legal authorities in Ireland, and they were anxious that the whole of the circumstances connected with the case should be laid before their Lordships; yet after reading the papers that had been forwarded to him in connection with the subject, he was of opinion that inquiry was the best thing that could be done for both parties. It was far better that amicable communications should take place between them, than that any hostile proceedings should be adopted. He was, however, bound to inform their Lordships that whilst 10 guineas were taken from attorneys and solicitors, a fee of 20 guineas was required from the other branch of the profession. It appeared that disputes arose with reference to the application of this money before 1859, and he held in his hand a pamphlet published in that year, containing the Benchers' statement of matters as they then stood, from which it appeared that out of the money they had received they had expended above £28,000 in erecting a building to be handed over exclusively to the solicitors and attorneys, and other buildings for libraries and reading-rooms, which were open to all branches of the profession. In that year they had expended, with the exception of a small sum, the whole of the money they had received from the attorneys. He confessed, nevertheless, it was impossible for him to say some inquiry was not reasonable and desirable. He hoped that inquiry would be intrusted to persons of weight and authority, and that the result would be to confer great benefit on all concerned. He would suggest that the Motion should be amended by the insertion of the words "whether any and," before "what portion of the amount remains unappropriated."

LORD CHELMSFORD assented to the Amendment.

Motion amended and *agreed to.*

PEACE PRESERVATION (IRELAND) ACT.—ADDRESS FOR PAPERS.

THE EARL OF LEITRIM rose to call attention to the manner in which the Irish Executive had exercised the powers conferred on them by various Acts with regard to the preservation of the peace. These statutes empowered the Lord Lieutenant, on the representation of the local magistrates, to send additional police to any district, and to charge one moiety of the expense upon the county or district, and the other on the Consolidated Fund. In 1846 the magistrates of the county of Leitrim represented to the Government that the police were inadequate for the due execution of the law in that district, whereupon the Irish Executive reluctantly, and for the first time, sent down additional police, and charged half the expense upon the locality. The result of this was so beneficial that Lord St. Germans, then Chief Secretary, brought in a Bill extending that power; and though Lord Russell defeated Sir Robert Peel's Government upon this measure, he himself, on his accession to Office, passed a similar one—namely, the Act 11 & 12 *Vict.* c. 12. This Act provided that the Lord Lieutenant, after proclaiming a district, might send additional police, and might afterwards by proclamation withdraw them; while an Act of 1857 empowered him to issue warrants for the collection of the requisite cess. Now, in the course of last year certain townlands in the parish of Condavanddock and barony of Kilmacrenan, in the county of Donegal, were proclaimed, and six additional police were sent down, on account of certain persons having been denounced from the altar. The locality was very properly taxed; but the cess was not imposed in the way prescribed by the Act, and, after two quarters, the tax was stopped, though the additional police were still on the spot. Whether the county or the Consolidated Fund was bearing the expense he could not ascertain. On his calling the attention of the Executive to the matter, he received a reply enclosing the opinion of the local magistracy that it would be undesirable under present circumstances to re-impose the tax, and stating that the Lord Lieutenant, while endorsing this opinion, would be prepared to re-consider his decision should any serious outrage be committed in the locality. Now, nothing in the Act justified the Lord Lieutenant in shifting the responsibility from himself to the magistrates, from one of whom he had received a letter expressing regret that the tax had been allowed to die out, but declining to recommend its re-imposition. This was most unfortunate management, and nothing was more unsatisfactory than the manner in which police arrangements were carried out. The noble Earl then moved for a series of Returns relating to the proclamation of certain townlands in the county of Donegal; and other Returns relating to the murder of William O'Brien, in the lands of Drumdoo, in the parish of Mohill, in the county of Leitrim.

Lord DUFFERIN said, there could be no objection to the presentation of the Returns moved for, except of those relating to the movements of the police, which were of a confidential nature.

Motion amended and *agreed to.*

House adjourned at a quarter before Seven o'clock, to Thursday, the 28th instant, half past Ten o'clock.

HOUSE OF COMMONS,

Friday, 8*th April*, 1870.

MINUTES.]—Select Committee—Conventual and Monastic Institutions, *debate adjourned.*
Supply—*considered in Committee*—On Account of Civil Services.
Public Bills—*Ordered—First Reading*—Bridgwater and Beverley Disfranchisement* [98]; Norwich Voters' Disfranchisement * [99].
Committee—Irish Land [29]—r.p.
Third Reading—Evidence Further Amendment Act (1869) Amendment* [20], and *passed.*

The House met at Two of the clock.

NAVY—DISCHARGES FROM CHATHAM DOCKYARD—CASE OF MR. HOLDEN.

QUESTION.

Mr. P. W. MARTIN said, he would beg to ask the First Lord of the Admiralty, Whether it is true that a Mr. Holden having been so injured as to lose the sight of an eye has been discharged from the Dockyard at Chatham on a gratuity of £8, and by whom this gratuity was awarded? He had only to modify this Question so far as to say that he saw it stated in the newspapers, from which only he knew anything of the case, that the man had lost the sight not of one eye only, but of both.

Mr. CHILDERS said, that he had inquired into this case, and had found that it had been greatly exaggerated. The Mr. Holden alluded to was a hired workman at Chatham on day pay of 4*s.* 6*d.*, not belonging to the establishment, but liable to be discharged on a week's notice. He had been employed between five and six years; and about five years ago, not long after he was hired, lost the sight of one eye by a wound from a small piece of copper. This did not interfere with his employment on full wages ever since. In February last he was discharged on the reduction of numbers in the dockyards, and he applied to be retained. This was refused; but his papers were sent to the Treasury for a gratuity in consequence of the accident in 1865, and the Treasury awarded £8. The surgeon was of opinion that his capacity for work was "only slightly impaired." He now claimed more on the ground that the sight of the other eye was impaired. Having been yesterday summoned before the dockyard authorities to explain the matter, he confessed that he purposely concealed this in the hope of being retained in the service. They were, therefore, in the position of having been employing a man who concealed his disability for work until he was discharged, when he made it the ground of claim for a larger gratuity. He (Mr. Childers), however, ordered his papers to be again sent to the Treasury, with the additional facts now reported, for their consideration. The Admiralty had nothing whatever to do with these awards of gratuity.

IRELAND—DUBLIN CARRIAGE ACT.

QUESTION.

Mr. PIM said, he wished to ask the Chief Secretary for Ireland, Whether his attention has been given to the provisions of the Dublin Carriage Act, 1853, as compared with the Metropolitan Public Carriage Act, 1869, and to ask, why the Licence Duties on Stage and Job Carriages continues fixed at £8 per annum in Dublin, while in London they do not exceed £2 2*s.*; why the penalty for various offences under the Dublin Act should be £10, while the penalty in

London for a similar offence is only £5; and, whether he is disposed to recommend the Commissioners of Police in Dublin, in pursuance of the powers vested in them by the seventh section of the Dublin Act, to reduce the Licence Duties on all carriages to a uniform amount, say £1 1*s.* and thus get rid of the vexatious anomaly under which a job carriage proprietor has lately been fined £1 1*s.* (a penalty mitigated from £10) because he attached an eight pound badge to a carriage which only required a five pound badge?

Mr. CHICHESTER FORTESCUE, in reply, said, it appeared from a Report which he had received from the Commissioners of the Dublin Metropolitan Police, that his hon. Friend was not correct in supposing the carriage duties in Dublin were higher than those in London; they were, on the contrary, considerably lower on the whole. £2 2*s.* was the amount paid in London under the Act of last Session; but a sum of £2 had to be paid in addition for a plate, and 7*s.* 6*d.* for each horse, making the duty payable for cabs in London more than £5; whereas in Dublin they paid only an annual duty of £1 4*s.*, at which rate Dublin was, he believed, very well and cheaply supplied with cab accommodation. As to those job carriages on which a higher duty was paid, his hon. Friend must be aware that their charges were higher than those of ordinary cabs, and they were generally employed on special occasions, and generally made a good thing out of their job. If, for instance, his hon. Friend wished during the Recess to visit Punchestown Races, and engaged a carriage and pair for the purpose, he would find that he would get very well out of the transaction if he were only charged £5. In reply to the second Question, he had to state that the penalty of £10 for offences under the Dublin Act was a maximum figure; that the magistrates had full power to reduce the penalty, which was scarcely ever inflicted to the full extent, except under aggravated circumstances. The loss to the Revenue which would be involved in the reduction suggested in his hon. Friend's Question was in itself by no means an unimportant matter for consideration; but, independently of that, it did not appear to the Government there was any good ground for making such a reduction. With respect

to the conviction to which his hon. Friend referred, there could be no doubt that the use of an £8 badge in the case of a carriage which required only a £5 badge was clearly illegal. The magistrate was, therefore, perfectly justified in inflicting a punishment under the circumstances.

FACTORY ACTS EXTENSION ACT, 1867 —THE BRASS FOUNDERS.—QUESTION.

Mr. AKROYD said, he would beg to ask the Secretary of State for the Home Department, If he has received a Memorial from the Teachers and Students in connection with Artizan Science Classes in Birmingham, in which they object to the concessions just granted to the Brassfounders of that town under the 12th Clause of the Schedule of "The Factory Acts Extension Act, 1867;" and stating that the continued success of those classes, which date their existence from the passing of the Act of 1867, depends entirely upon the opportunities which a uniform hour of closing factories affords for attending the studies with regularity and certainty; and, if he has any objection to lay the Memorial upon the Table of the House, and to state the reasons which induced him to grant the concessions to the Brassfounders?

Mr. BRUCE said, in reply, that he had received a memorial to the effect stated in the Question, and should have no objection to lay it on the Table if his hon. Friend thought it worth his while to press for it, though it was only of five or six lines, and contained little, if anything, more than what was stated in the Question. His hon. Friend was doubtless aware that the very onerous and critical duty of making variations in the time for which certain trades should work, according to their usages and customs, was laid on the Secretary of State, and the whole country was put under the charge of two Inspectors of Factories. He had accordingly requested the two Inspectors of Factories to go through all the cases in which any change had been applied for; and on examining this particular case they had thought, from the evidence given, that the customs used in the trade required that some change should be made, to this extent—that instead of working from six to six they should work from seven to seven.

METROPOLIS—HYDE PARK.

QUESTION.

Sir **HARRY VERNEY** said, he wished to ask the First Commissioner of Works, Whether, considering the increasing numbers of the frequenters of the Park on horseback, and the importance of not diminishing the space for that exercise and enjoyment, he will reconsider his decision to debar them from riding along the Western portion of Rotten Row, on the South side of Kensington Gardens, which has hitherto been open to the public, which affords the best view of the monument of the late Prince Consort, and gives an access to Kensington without passing along the carriage road?

Mr. **AYRTON** said, in reply, that he could assure his hon. Friend that the regulation alluded to had not been made without sufficient consideration. The interest of those who rode on horseback in the Park had been very much considered. Only three years ago a new road was made, exclusively for their benefit, of the length of 1,447 yards, on the north side of the Park; and, when this improvement was contemplated, Rotten Row itself was extended by the length of 1,300 yards, and this was done expressly with a view to the new arrangement. With respect to the inhabitants of houses in the immediate vicinity of the particular spot referred to, no doubt they would have to turn a little aside when riding, but it would give them the most agreeable part of the Park for their recreation. With respect to the best view of the Prince Consort's monument his hon. Friend was entirely in error, and could not have been in that direction lately, or he would have discovered that the face of the memorial looked in the opposite direction to what he supposed, being not towards the north but towards the south. The frequenters of this part of the Park would be able to ride along the front, where they would have a beautiful view of it. He would also remind his hon. Friend that regard should be had to the interests of those who walked in the Park as well as of those who rode in it, and that justice should be done to both parties.

IRELAND—CASE OF MR. GOOLD, R.M.

QUESTION.

Mr. **DEASE** said, he wished to ask the Chief Secretary for Ireland, If his attention has been called to a paragraph in "The Pall Mall Gazette," "Waterford Mail," and other newspapers, to the effect that Mr. Goold, R.M., had been removed from Waterford to New Ross in consequence of errors committed by him in his capacity of Stipendiary Magistrate during the late Election at Waterford; if so, whether there is any foundation for such a statement?

Mr. **CHICHESTER FORTESCUE**: In answer, Sir, to my hon. Friend, I have to say there is no foundation whatever for the report to which he refers. I believe that Mr. Goold, during the late Waterford Election, was, unfortunately, confined to the house by illness.

PARLIAMENT—HOUSE OF COMMONS—THE LADIES' GALLERY.—QUESTION.

Mr. **H. A. HERBERT** said, he wished to ask the First Commissioner of Works, Whether, in accordance to the promise of the late Commissioner of Works, any and what steps are to be taken for the improvement in the comfort of the Ladies' Gallery, and whether a tea room will be added?

Mr. **AYRTON** said, in reply, that the question of making improvements in the Houses of Parliament was under the consideration of a Committee upstairs, and Her Majesty's Government therefore deferred submitting any special Vote with reference to the Houses of Parliament until that Committee had made its Report. As soon as that Report had been made it would be his duty to submit to Her Majesty's Government a proposal to give effect to the wishes expressed on the question, in a manner which he trusted would be satisfactory. He hoped there would not be only a tea room but a toilette room.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress 7th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Compensation in absence of custom).

Mr. BOUVERIE said, he would suggest that it would add greatly to the convenience of Members if the Chairman would, from time to time, read the clause, as amended, down to the last Amendment adopted.

Mr. BRUEN said, he hoped the First Minister of the Crown would use his influence with the Speaker to procure the printing each day, with the Votes, of the amended clauses, as far as they were agreed to. The Committee would then know better what they were discussing.

Mr. GLADSTONE said, he thought it would be hardly convenient to print part of a clause; but if the Committee arrived at the end of the clause to-day, the whole of it might be printed.

Mr. BRUEN said, that even if a portion of the clause were printed with the Amendments, the country would see what had really been adopted.

Moved, in line 16, to leave out from "£50" to "rent" in line 17 inclusive, and insert "£20 and under £30, a sum in no case exceeding two years' rent."—(*Mr. Kavanagh.*)

Mr. GLADSTONE said, they had voted up to £50 in the previous part of the clause, and the whole Amendment of the hon. Member for Cambridge (Mr. W. Fowler), last night, depended upon their having disposed of this part.

Mr. KAVANAGH said, he only moved the Amendment *pro formâ*, and would withdraw it.

Amendment, by leave, *withdrawn.*

Mr. KAVANAGH said, that the object of his Amendment to leave out sub-Section 4 had practically the same effect as that of the hon. Member for Cambridge (Mr. W. Fowler), with this exception that he took the higher stand of £100 valuation instead of £50; and, although the decision of the Committee last night might be considered final, he should move it, and offer a few remarks in doing so. His sole object in supporting the Bill as he had done was to afford protection to a class of tenants who, from peculiar circumstances connected with the tenure of land in Ireland, were exposed to the harsh and arbitrary exercise of a power which had, he was glad to say, been of late years rarely used against them. Now, he could not regard tenants of over £100 valuation as coming under that class; and he thought that, in legislation of this exceedingly exceptional nature, care should be taken not to extend its action further than was absolutely required. So far as this Bill proposed to afford protection to the really weak against the unjustifiable exercise of strength he would support it; but by so much as it exceeded the requirements for affording that protection, in that proportion must he regard it as partaking of the elements of injustice. When that limit was passed this measure ceased to be one of protection to the tenant, and became one of penal, harsh, and unjust enactment against the landlord. He could not regard the tenant holding at a value of £100 and over as requiring that protection, or as being at all helplessly exposed to the arbitrary will of the landlord; and if he could do no more, he must at least enter his solemn protest against that injustice. He therefore begged to move to leave out sub-Section 4, and down to "reclamation of land," in line 35, inclusive.

Sir ROUNDELL PALMER said, it was now proposed to raise, in the same portion of the Bill which related primarily and directly to tenancies to be created after the passing of the Act, the selfsame question upon which a Division was taken last night, though on a different figure, £100 being now the limit proposed instead of £50. He thought it his duty to defer to what had fallen from the head of the Government, who, as he understood, said that those who thought some limitation necessary in the part of the clause relating to existing tenancies would do better to raise the question at a later part of the clause, and not interfere with the arrangement proposed by the Government relating to tenancies to be hereafter created. On the whole, then, he deprecated a new debate now upon a new figure of limitation, when it would be open to those who thought some limitation necessary hereafter to consider the question upon its own merits. He submitted that it would be better to defer the question now raised until they reached the portion of the clause relating to existing tenancies.

Colonel BARTTELOT said, he had heard nothing in the debate last night to show that tenant-farmers in Ireland with holdings above £50 were not responsible and substantial men. They had voted, however, on this question last night, and had been beaten. The right hon. Gentleman the First Lord of the Treasury said he was far as the poles asunder from him (Colonel Barttelot); but they were rather nearer together in the Division last night than they had hitherto been, and he ventured to think they would be still nearer before they had done with the Bill. Nobody could deny that the man who paid a rental of £50 a year was able to take care of himself, and as they ascended the scale the Irish tenants were still better able to do so. The doctrine laid down in the Bill was, that it was necessary in Ireland to protect poor men who could not protect themselves, and the Committee would be departing from this principle if they protected men who were in a position to protect themselves, and did that in Ireland which was no more necessary than it would be in England and Scotland. The moment they reached a point at which protection was not needed they ought to stop; and if they went beyond it, they would be committing gross injustice to landlords and tenants, and injuring the welfare of the whole community. Contrast the position of a tenant-farmer in Ireland at £50 with that of a farmer in England or Scotland. The Irish tenant had no tithes to pay, and, although he might be called upon to pay the other dues, he paid only half the poor rate, and he got labour far cheaper than could be had in this country. The Irish farmer could get labourers when he required them far more easily than the English tenant could; and all these things, with regard to which the Irish farmer was in a better position than the English farmer, ought to be taken into account. It struck him last night that the proposal about free contract failed to supply this deficiency. The hon. Member for Cambridge (Mr. R. Torrens) was prepared to supply it; because he wished to move that from £50 to £75 rent the compensation should be two years' rent, from £75 to £100 one year's rent, and that the operation of the clause should cease at a rent of £100. He thought that in the eyes of the First Minister of the Crown this would be right and just, for the right hon. Gentleman would not say that a man paying £100 and more was not in a responsible position and capable of taking care of himself, and therefore to go beyond this limit would be to do great injustice to the landlords of the country.

Mr. HEADLAM said, the hon. and learned Member for Richmond (Sir Roundell Palmer) said last night that in this clause they were dealing simply with prospective arrangements. If that were so, he agreed with his hon. and learned Friend that it would be better to postpone the question of existing tenancies till a future stage. But his belief was that the Government intended this clause to be retrospective, and retrospective in a most important manner. Suppose, for instance, that a tenant had a farm upon the usual indefinite holding, to continue till it was determined by notice on one side or the other—suppose that he paid his rent half-yearly, that he had been in occupation for five years, and was still in occupation. If the clause were to apply to a case of this kind, it would be clearly retrospective; because though it might be said that this was a tenancy from year to year, yet the farmer really held on a contract which began five years ago. He asked the Government clearly to state whether their clause applied to a case of this description.

Lord ELCHO said, he hoped the hon. Member for Carlow (Mr. Kavanagh) would press his Amendment, and give himself and others an opportunity of distinctly entering their protest against this 4th sub-section, for it embodied monstrous propositions. Compensation for disturbance was monstrous, and interference with contract was monstrous; they were monstrous in the sense of being new and unheard of; the 31 years' lease not covering reclamation of land was monstrous; and, therefore, he and others would take every opportunity of protesting against such legislation. It came to this, that tenants paying £100 a year and upwards, were in such a position of subserviency to this tyrannical power which had been exercised, that it required a Prime Minister with a large majority to save these men from their tyrants, and to override the rights of property. He was very much surprised last night to hear the speech of the hon. and learned Member for Richmond (Sir Roundell Palmer), which was conceived in a very different spirit from that he delivered a few nights ago. The hon. and learned Member, possessing influence on the Liberal side of the House, was almost the only one those on his (Lord Elcho's) side, in such a minority, could look to for the protection of the rights of property and for resistance to the dictatorship of the First Minister of the Crown. It was with something more than astonishment that he saw the hon. and learned Gentleman, influenced by what had been said as to something the Government intended to do at a future time, walk out of the House before the Division, instead of leading into the Lobby those who were ready to follow him upon this question. As the hon. and learned Gentleman said last night the Amendment of the Government did not satisfy him, the question arose what did satisfy him. What was the promise of the Government which had so marvellous an effect on the hon. and learned Member for Richmond that, whereas he was most strongly against going beyond £50, he was nevertheless prepared to assent to what the Government were going to propose? The Committee did not know what it was; they had received no intimation of it; and, therefore, it was the duty of every Member who valued the rights of property to support the right hon. and learned Member for Newcastle (Mr. Headlam). It must not be supposed that those who stood up for the rights of property had no feelings for the poor, or that feeling for the poor was monopolized by the First Minister of the Crown. They were sent to Parliament to maintain certain principles which were found in our legislation, and one of these was the security of property, which by these proposals would be monstrously infringed; and that would not be for the advantage of the poor. Therefore, he would use every opportunity of protesting against these proposals in the most emphatic manner, and if the hon. Member for Carlow divided the Committee he would vote with him. In the meantime, he wished to ask either the First Lord of the Treasury or the Chief Secretary for Ireland to state what change they proposed to make.

SIR ROUNDELL PALMER said, no one was better aware than he was that the course which he took last night was a course which very seldom ought to be taken, and one, even when justified, fairly exposed to observation and criticism. He took that course simply because it appeared to him to be, under all the circumstances, most in accordance with that very duty which the noble Lord (Lord Elcho) had assigned him, and as the course which would least diminish any little chance he had of exercising any useful influence for the public good, either with those who sat on the Ministerial Bench or those who sat near him. The latter certainly were not of opinion that, upon the issue then raised, in the light in which it was put by the First Minister of the Crown, they could reconcile it with their sense of duty and their sincere desire to carry the Bill forward to vote against the Government. He was one of those who thought they never ought to give votes which they would not give if they expected to be in a majority. If there were, upon any point, just ground for thinking that the cardinal principles of property were, intentionally or unintentionally, invaded by the Bill, and that the ulterior consequences of the legislation proposed would be of greater importance than the object immediately aimed at, it might be the duty of himself, and others who agreed with him, however unwillingly, to go into the Lobby against the Government, even after the intimation which his right hon. Friend made last night; but that would be their duty only if their conviction was clear that the particular issue on which the vote was about to be taken was one which necessarily involved so important a principle. He was, down to that moment, quite as ignorant as his noble Friend of what the Government thought might be done, consistently with the principle of the Bill, to limit its application with regard to present tenancies. His right hon. Friend had shown, in the early part of the previous evening, a sincere desire to meet, to a considerable extent, the suggestions made to improve the Bill, and had done what seemed sufficient, both to the right hon. and learned Member for Dublin University (Dr. Ball), and to himself, with respect to what he would call the future, by which he meant, in the language of the first part of the 3rd clause, "tenancies created after the passing this Act;" and the words of the clause, as far as the Committee had yet gone, grammatically related only to such tenancies. His right hon. Friend stated that he reluctantly consented to exclude from the operation of the clause, so far as it restricted the power of making future contracts, all tenants above £50, and that he attributed some importance to leaving the scale in operation in cases where the contracting parties, in contracts made after the passing of the Act, did not think fit to exclude themselves from its operation. He distinctly understood his right hon. Friend to say that he should regard in the same point of view any reasonable proposition to limit the operation of the Act, whether in one way or another, which might appear necessary to prevent injustice, when they arrived at the subsequent part of this clause, which alone introduced existing tenancies, and made them subject to it—namely, the part which provided that—

> "The tenant of any holding held by him under a tenancy from year to year existing at the time of the passing of this Act shall, if disturbed by the act of his immediate landlord, be entitled to compensation under, and subject to, the provisions of this section."

At the present moment he was under the strongest impression that if they drew the line at £50 after the passing of the Act, and then gave freedom of contract, they could not interfere with all existing contracts and say that they should be subject to the scale. His right hon. Friend intimated that the Government would endeavour to meet the views of those who felt a difficulty with regard to this point. When or how that was to be done he did not know; but the hon. Member for Salford (Mr. Charley) had a Notice of a Motion on the Paper, which would on that portion of the clause renew the question about the £50 tenant, and make it necessary for the Government to declare their views. He was most anxious not to stick at a figure, or anything else, which did not involve a principle; but he adhered to what he had before said, that to require a landlord to pay £250 in cases where there was no justification for requiring him to pay anything, was not, to him, satisfactory. All he could say further was, that no man in the House would be more disposed than himself to regard it as a public calamity, that anything should happen which would throw this matter into a state of confusion and prevent a measure being passed on this subject. He would not personally be a party to anything which invaded the security of property, or which could not be reconciled with the principles of justice; but, on the other hand, he would not, in opposition to the Government, in whom he placed general confidence, and whom he desired to support to the utmost of his power, do anything which would prevent the passing of a Bill which he thought necessary, unless such a course should be absolutely forced on him for the sake of maintaining what he deemed vital principles.

MR. CHICHESTER FORTESCUE said, he did not rise to discuss the many monstrous things of which the noble Lord (Lord Elcho) had spoken, and some of which he was happy to know the House had sanctioned by a large majority; but he should be sorry indeed if the House were to legislate on this subject from the point of view of the noble Lord, which only showed that the noble Lord was blind to the more monstrous things that already existed in Ireland. [Lord ELCHO: Name them.] He could assure the noble Lord that if the House were not prepared to sanction those things which he called monstrous, but which they called wise and humane provisions, they would see more monstrous things still in Ireland. The noble Lord asked what were the limitations which the Government proposed to make with respect to the part of the clause they were now dealing with. The noble Lord could not have been in his place last night. In reply, he would state that the Government agreed to the proposition of the hon. Member for Banbury (Mr. B. Samuelson) that in no case should the maximum payment for eviction exceed £250. The Government also stated that, under the Bill as it stood, the line in respect to the power of entering into free contracts had been drawn at £100, and that they now proposed to reduce the line to £50; so that in the case of all persons holding land above £50 a year they should be at liberty to contract themselves out of the provisions of the Act. With regard to what had been said as to the distinction between existing and future tenancies, he would point out that at present the Committee was dealing with future tenancies, and, as they went further on, the occasion would naturally arise for considering the question of existing tenancies, and it would be for the Government to consider whether any change in that matter could be acceded to; but what was announced by the First Minister of the Crown came to this—that in all cases there would be freedom of contract above £50 valuation, whether in case of existing or future tenancies, to enable parties to contract themselves out of the provisions of this Act. He was surprised to hear the hon. and gallant Member for West Sussex (Colonel Barttelot) state that the Irish tenant above £50 valuation was, to all intents and purposes, as able to take care of himself as an English or Scotch tenant. Now, he believed that every Irish Member would be ready to maintain that it was a delusion to suppose that they were on an equal footing. At the same time, he admitted that an Irish tenant at £100 or £50 was in a better position than a smaller tenant, and required less protection, and, accordingly, the clause had been adapted to suit that state of circumstances. With that view it was proposed that the very outside amount which the Court could award under the head of damages for improper and capricious eviction in such a case should be one or two years' rent, or a sum not exceeding £250. Such a provision was important, for though causeless evictions did not happen every day, they happened often enough to create a great feeling of alarm and insecurity among the tenantry. The scale of compensation provided by the clause was not excessive; on the contrary, it was so moderate that landlords would have no difficulty in making arrangements with their tenants. The advantages offered were not such as to induce any enterprizing tenant to refuse a fair lease.

Lord JOHN MANNERS said, he regarded the intimation which had been given by the hon. and learned Member for Richmond (Sir Roundell Palmer) of the reasons which had induced him to take the course he did last night as amounting to this—that he preferred consulting his apprehensions as to what the First Minister would do if the Committee did not sanction the proposal of the Government, rather than the pure dictates of his reason. No one on that side complained of the conduct of the hon. and learned Gentleman; but most Members must feel that they had arrived at a very unsatisfactory state of affairs when important decisions on that Bill were arrived at not on the merits of the questions submitted to them, but in accordance with apprehensions as to what might or might not be the future course of the Government if the Committee decided according to their deliberate convictions. With reference to the statement of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant, it was true compensation had been limited to the somewhat arbitrary sum of £250; but the hon. and learned Member for Richmond had expressed his strong opposition to the limits so proposed. The proposed substitution of one year's rent for two years' was no doubt a concession as to degree, but none as to principle. The concessions proposed by the Government, and that proposed by the hon. Member for Banbury (Mr. B. Samuelson) and accepted by the Government, rather complicated what was already a most complicated measure; and they ought to take every means in their power to diminish instead of increasing the complication of the measure. The right hon. Gentleman (Mr. Gladstone) reserved to himself the right of considering the Amendment of the hon. Member for Salford when they came to it; but from what had fallen from the right hon. Gentleman he inferred that the Government would accept that Amendment. What, then, was the corpus about which they were actually fighting? It seemed to him the veriest shadow. For the sake of simplicity and eliminating unnecessary phraseology and complication from the clause, they ought to assent to the proposal of the hon. Gentleman the Member for Carlow (Mr. Kavanagh). His noble Friend (Lord Elcho) had stated that in vindicating the rights of property they were taking the best course for promoting the real interests of the peasantry and poor of Ireland, and he quite concurred in that statement. It was because he believed that to the landlords of Ireland, and not to the tenant-farmers, the peasantry had to look for the social and material improvement of their condition that he protested against this impediment put in the way of the free management of their estates. He therefore gave his support to this Amendment.

Mr. BAGWELL said, he thought the Government should take warning when noble Lords and Gentlemen opposite got up and thanked them for their concessions on this Bill. When the Bill was introduced he said it was not agreed on, and would not work for the benefit of the people of Ireland as he believed the Government were anxious it should. But every step that had been taken in the line of concession weakened the Bill, and would weaken the cause of the Government in Ireland, especially when the people found that these concessions were not made to the Irish Members, but to the English Members, who were legislating for Ireland with England in the background. They ought to be very much obliged to English Gentlemen for the great care they were taking of the property of Irish landlords. The hon. Member for Carlow (Mr. Kavanagh) seemed to think that a £50 tenant was able to take care of himself; but he, for one, had great doubts on the subject. Many hon. Members in that House, like himself, had a number of small tenants, and he asserted deliberately that, as a class, rent was scarcely ever lost through them. A small tenant felt his precarious position so keenly, and was so anxious to keep his small holding, that he exerted every energy he possessed to stand well with his landlord. But a £50 tenant very often was not so industrious or so hardworking, and, if he fell behind with his payments, could not so readily get assistance from his friends to make up his rent. He hoped the Government would stand firm on this point and not weaken the Bill by any further concessions; for he was sorry to say that, as it stood, the Bill, he feared, would have little effect in Ireland, and any further weakening of its provisions would lead the people of Ireland to think that the Irish Members in the House of Commons had but a small voice in this matter. [*Cries of* "Oh!"] He was not contending for the establishment of any distinctions between Members of the House elected in different portions of the United Kingdom, for they were all members of the same Empire; but he was speaking of the light in which the action of the House of Commons would be viewed at the other side of the water. It would be said that legislation beneficently intended by the Government had been weakened and frittered away by the English Members, who were looking not to the immediate circumstances of Ireland, but to the possible result of such legislation hereafter upon their own estates in England. He did not believe that the operation of the Bill would entail upon the Irish landlords anything like the burdens which were represented. Estates there nominally sold for 20 years' purchase frequently proved to be of a letting value which would reduce the purchase-money to 17 years' purchase, more especially as there was not just now much competition of English capital, which was a comfort; then there was the year's rent falling due, which should be taken into account. So that, practically, if seven years' rent had to be allowed to every tenant upon the estate, with a view of getting rid of them, the landlord would not be paying more than three or four years' rent out of his own pocket. That was to say, after compensating and evicting all the tenants, he would have his estate for 24 years' purchase, against at least 34 years' purchase in England. Moreover, there were few Irish landlords in the position of his hon. Friend the Member for Galway (Mr. W. H. Gregory) and himself who would object to assist their tenants to emigrate if they went voluntarily, and believed that by doing so they were bettering their position. But what the Irish tenants objected to, and what lay at the bottom of the discontent in Ireland, was the attempt to better them against their will. A man had no right to insist on another's living in a large house in Belgravia if he preferred to live in a small one anywhere else. It was the interference that the tenants objected to. On this point he hoped the Government would not yield one iota more; they had already yielded more than the supporters of the Bill desired.

MR. GLADSTONE: Sir, my hon. Friend, who has just sat down, in his zeal to prevent further concessions has gone far to cut the ground from under our feet; for he has drawn such a flattering picture of the financial position of the Irish landlords, and of their willingness to give pecuniary help to their tenants out of their own pockets, that the Bill seems to be hardly necessary.

MR. BAGWELL said, he had been only speaking of himself and his hon. Friend the Member for Galway (Mr. W. H. Gregory).

MR. GLADSTONE: I hope and have no doubt he speaks for other Irish landlords as well. My hon. Friend entreats us not to give way any more. It would be inconsistent with our duty to agree to a general pledge of that character, because our pledge to the House is that we will look at all Amendments on their merits; and, consequently, were I to give him the assurance for which he asks I might be entangling myself in charges of breach of faith. But, looking at the question before us, the Government have not the slightest intention or idea of giving way, and I will state reasons for that decision which ought, I think, to be satisfactory. My hon. Friend said that if this portion of the Bill were to be, as he said, further weakened the effect would be very much to damage the cause of the Government in Ireland. Well, that I believe is true; but it is a very small part of the truth. It is not only a question of damaging the cause of the Government — that would be insignificant; but it is also a question of damaging the cause of the Imperial Parliament. For I agree with the hon. Gentleman that, in the whole of this discussion, we ought to bear in mind that we are dealing with a country which unfortunately wants that confidence — and I am afraid derives from history grounds for wanting that confidence—which the people of England and Scotland have for many generations been able to repose in Parliament. I, therefore, entirely assent to the principle which my hon. Friend lays down with regard to the solemn nature of the considerations that bear upon the manner in which we are to adjust the terms of the compact which Parliament is virtually about to make with the occupiers in Ireland. But let us look at the Bill. I make no complaint of the opposition of my noble Friend the Member for Haddingtonshire (Lord Elcho), who thinks the principle of the Bill monstrous, and who objected to it fairly upon the second reading. But I am addressing a House that assented generally to the second reading of the Bill, and still more warmly endorsed it in the speeches which were delivered. The noble Lord the Member for North Leicestershire (Lord John Manners) says we have arrived at a deplorable position in which hon. Members vote not because they approve the clause itself, but because of some declaration which the Government have made with regard to it. But the noble Lord has not accurately stated the facts. He said that the hon. and learned Gentleman the Member for Richmond (Sir Roundell Palmer) objected to the Motion of the hon. Member for Banbury (Mr. B. Samuelson). [Lord JOHN MANNERS: He did so.] Not a word of it. [Lord JOHN MANNERS: Oh, yes, he did.] Not a word of it—not one word of it. I will show that there was an unfortunate misapprehension, not only in the mind of the noble Lord, but of many hon. Members, as to the arguments which were addressed to the House. I do not recollect a case in which a vote of that kind was given under similar circumstances. To clear the ground it is necessary to observe that we are not at this moment dealing with the case of present tenancies. ["Oh! oh!"] We have not voted a word in this clause that touches present tenancies at all. The objections taken by the right hon. and learned Gentleman opposite and by my hon. and learned Friend behind me were retrospective objections applying to a portion of the clause entirely separate from that with which we are now dealing. Therefore, let hon. Gentlemen observe that present tenancies have nothing to do either with the vote we are now about to give or the vote which we gave last night. And I wish that part of the question had been better understood. The right hon. and learned Gentleman the Member for Dublin University (Dr. Ball) declared that, in his judgment, the prospective question was sufficiently met by the concession which the Government had made. My hon. and learned Friend (Sir Roundell Palmer) stated that the provision for free contract from £50 upwards was sufficient for merely prospective tenancies, and it is for them alone that we are now legislating. I must own that after these declarations —though I have no right to make any complaint on the subject—I was greatly disappointed at the vote given by the right hon. and learned Gentleman (Dr. Ball), and at the fact that my right hon. and learned Friend left the House. I frankly confess that after the statements made by two such authorities that the proposals of the Government upon this point sufficiently met the requirements of justice, it was disappointing to find the Amendment supported by the vote and authority of the right hon. Gentleman opposite, and supported, if not by the vote, at least by the inaction, neutrality, and departure from the House of my hon. and learned Friend the Member for Richmond. Now, Sir, what has happened in addition to that? We have agreed to accept the Amendment of the hon. Member for Banbury. That Amendment is a very important one, because it provides practically that the sum which is to be the maximum that any tenant under £100 can in certain cases obtain shall be the maximum that any tenant over £100 can obtain. In point of policy hon. Gentlemen must feel that there is some force in our plea that, as you go upward, the argument of fear and necessity becomes weaker; but we are dealing with the agricultural population as a whole, as it would not be wise by a severe and sharp provision drawn at a certain point to strike the most important part of the tenantry of Ireland altogether out of the scope of the provisions of the Bill; and, consequently, we have accepted the suggestion of my hon. Friend, which meets, I think, every objection that can fairly be taken to including very large tenancies. Now, the noble Lord opposite says we are fighting for a shadow. If that be so it will be easy for him not to join in the fight. We, however, do not think that is the case. We believe that morally it is very important, that politically it is very important, and that it is material to the success of the measure we have at heart. But still if the noble Lord thinks that it is fighting for a shadow, the best thing he can do is to vote with us; or, if he does not like to do that, to pursue the course adopted by my hon. and learned Friend last evening. Now, the concession of free contract is admitted in substance to meet the cases. That concession has been made, and as far as we are concerned irrevocably made, for every man above £50, and, under those circumstances, I trust that the Committee will sustain the decision which we arrived at last night.

Dr. BALL: As I have been referred to in the speech of the right hon. Gentleman (Mr. Gladstone), I feel bound to say that I certainly did vote last night, because I conceived that the question which was then put, and which is now again to be put, did involve the retrospective compensation to persons holding existing tenancies. I find that the clause as printed provides as follows:—

> "The tenant of any holding held by him under a tenancy from year to year existing at the time of the passing of this Act shall, if disturbed by the act of his immediate landlord, be entitled to compensation under, and subject to, the provisions of this section."

Unless the right hon. Gentleman is prepared to alter the language of this portion of the clause, it is as plain as possible that the preceding words "above £100" will be governed by them. If the right hon. Gentleman at the head of the Government is prepared to make the concession, and state that the section shall retrospectively be confined to tenancies of under £50 valuation, I am prepared to admit that in contesting this we should be dividing on a matter of no consequence. If you insert in the clause some such provision, all existing tenancies above £50 would be excluded, and you would not be dealing with the past, but legislating simply in those cases where, in the future, the landlord remains silent. As to them, if you give me freedom in the future, I do not lay any stress upon the matter; but unless the right hon. Gentleman says, in plain terms, that he will insert in the 22nd line of the 4th page, "under £50 valuation," it is idle to tell me I am not voting on retrospective legislation. It certainly seems to me that the question as to what concessions generally the Government are prepared to make ought to have great weight in determining what vote we shall give, in particular instances, and there are two or three matters on which it would have thrown some light if the right hon. Gentleman had expressed his opinion. Thus, the term of 31 years provided in this clause to exempt, the hon. and learned Gentleman the Member for Richmond (Sir Roundell Palmer) proposes to reduce to 14. I propose to reduce it to 21, because a 21 years' lease is a very frequent term granted, and because I think that will be a very fair limit. It would probably much affect the votes of Members on this side of the House if they knew what was to be done as to this, and I repeat that, until we have got a substantial declaration as to what is intended with reference to that part of the clause which relates to past holdings, it cannot be said that we are not voting on the subject of retrospective legislation.

Mr. W. H. GREGORY said, they were simply wasting precious hours in the discussion of what it was perfectly clear would have to be discussed over again. The debate on this point would properly arise when they came to the 25th line of page 4. It would be impossible to get the clause through the Committee at all if there was such a great waste of time over it.

Mr. DISRAELI said, he hoped the advice he was about to give would not be misunderstood. It seemed to him that they could come to a much more satisfactory discussion upon this question at a subsequent portion of the clause, and he, therefore, hoped his hon. Friend the Member for Carlow (Mr. Kavanagh) would not press his Amendment.

Mr. KAVANAGH said, in answer to the appeal of the right hon. Gentleman, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Amendment proposed, in line 13, to leave out from "£10 and under, &c." to "reclamation of land," in line 35, both inclusive, and insert—

5. "Above £50, and not exceeding £100, a sum not exceeding two years' rent; 6. Above £100, a sum not exceeding one year's rent."—(*Mr. Chichester Fortescue.*)

Amendment *agreed to.*

Mr. B. SAMUELSON said, that the arguments in favour of the Amendment he was about to propose had been so fully debated in the previous evening, and had been so reinforced by the Government in the course of the afternoon, that he should content himself with moving in page 3, line 18, after "rent," to insert "but in no case shall the compensation exceed the sum of £250."

Amendment *agreed to.*

Amendment proposed to leave out from "Provided," in line 19, to "land," in line 35, inclusive, and insert—

"Any tenant in a higher class of the scale may, at his option, claim to be compensated on so much only of his rent as will bring him into a lower class: Provided, That no tenant of a holding valued at a yearly sum exceeding £10, and claiming under this section more than four years' rent, and no tenant of a holding valued at a yearly sum not exceeding £10, and claiming as aforesaid more than five years' rent, shall be entitled to make a separate or additional claim for improvements other than permanent buildings and reclamation of land."—(*Mr. Chichester Fortescue.*)

Mr. PELL said, he should be the last man to interpose any difficulty in the way of securing to tenants in Ireland compensation for improvements which they might have made on their farms; but then he wished to have some explanation of what was meant by the words "reclamation of land." There was a want of precision in the use of those words both in the Bill itself and in the proposed Amendment, and it looked as if they had been employed designedly. In the 40th clause, and there only, he believed the word "waste" was used to qualify the word "lands," probably because it was found absolutely necessary, in making a provision for the application of public funds for a public object, that object should be somewhat clearly defined. But the words "reclamation of land," used in the other clauses of the Bill, were very general, and he did not find any light was thrown upon them, even in the Interpretation Clause. Turning to previous legislation on such subjects, he had ascertained that in the Acts of 23 & 24 *Vict.*, constant reference was made to "waste lands," instead of general terms being used, as in the present instance. Now, in Ireland farm labourers would be allowed to cultivate small plots of land, on which they would grow crops of potatoes, receiving no payment from the farmer in whose employment they happened to be for the reclamation thus effected, and which would be a positive advantage to him, inasmuch as he would, in the event of his being disturbed in his holding, be able to bring in a bill against his landlord for work on which he himself had not spent a penny, and which had been nothing to him but a source of profit. He thought, therefore, it was desirable to amend the Bill by the use of some more definite words than the words "reclamation of land."

Sir JOHN GRAY said, he objected to the Amendment, inasmuch as it had left no provision at all for enabling certain classes of the tenantry to claim compensation for general improvement under the Act.

Mr. M'CARTHY DOWNING explained that in making the observations which he had made on the previous evening, to the effect that, after the course taken by the Government, he would withdraw the Amendment which stood in his name on the Paper, he had misunderstood what had fallen from the right hon. Gentleman at the head of the Government, and was glad to avail himself of the earliest opportunity to express his regret for having used those words.

Mr. CHICHESTER FORTESCUE said, he would beg to assure the hon. Member for Leicestershire (Mr. Pell) that the Government used the words "reclamation of land" in the Bill with no dark design, as he seemed to suppose. The words were retrospective as well as prospective—the words "reclamation of land," and not of "waste lands," and he could not well imagine that a Judge, assisted by an agricultural expert, a first class valuator, could have any difficulty in pronouncing what was or was not the reclamation of land. If any serious difficulty should be raised hereafter it might be possible to meet it by way of definition; but he could not see any reason for changing the words at this part of the Bill.

Mr. PELL said, that through the neglect of a tenant, land that had been once reclaimed, and upon which compensation had been paid, might lapse into a state in which it could be again reclaimed, and he wished to know whether it could be made the subject of another charge. As he understood the definition, it implied improvement rather than recovering from a state of nature, and, if so, he did not see why it should not be classed with other agricultural improvements.

Mr. CHICHESTER FORTESCUE said, he meant that, as the words were retrospective as well as prospective, they, of course, applied both to waste lands and to those that had been reclaimed. If it were possible that lands could be allowed to relapse like the old cotton lands of Virginia, a case might arise which would be left to the decision of a Court.

Dr. BALL said, the right hon. Gentleman evidently thought the words were ambiguous, and, if reclamation were to be classed with permanent holdings, there ought to be a definition to guard against trivial and light improvements in the condition of the soil. Would reclamation mean drainage, which in two or three years would repay its cost?

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said he thought not. He might refer to the definitions of improvement of land given in the Improvement of Land Act, 1864, of which there were no less than 12, and one was "reclamation of land," which showed that the meaning of the term was well understood.

The CHAIRMAN, having pointed out that any amendment which was to be made in the Amendment must be made after the omission of the words proposed to be left out, and before the insertion of others, and that what was involved in the reclamation of land could be more conveniently discussed at that later stage, put the Question, "That the words proposed to be left out stand part of the Question."

Motion *negatived*.

Words *struck out*.

On Question?. That the words "Any tenant, &c.," be there inserted,

Lord ELCHO said, he would beg to remind the Committee that the greater part of Scotland had been reclaimed under a system of 19 years' leases, which were considered sufficiently long to enable the tenants to recoup themselves. It seemed to him that it ought to be clearly laid down in the Bill where reclamation of land should cease, for at present the matter was so indefinite that it might go back to the date of the Flood. He would submit that a line ought to be drawn at 20 years.

Colonel FRENCH said, that there was no phrase in the English language that was better understood in Ireland than that of "reclamation of land."

Mr. BRUEN said, it would be better if the subject of the reclamation of land were dealt with when they came to the 4th clause.

Mr. MAGUIRE said, that Mr. Curling, the agent of the Earl of Devon, stated before a Select Committee of that House five years ago, that he attached such immense importance to reclamation, of mountain land especially, which was like creating new land, that he would give a lease of 60 years to anyone engaged in that process.

Mr. MATTHEWS said, he thought that the proposed proviso would place the small tenant under £10 in the position of getting seven years' rent for eviction and for minor improvements conjoined, though the Government had at one time suggested that seven years' rent should be given for eviction alone.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, that the proposal now made by the Government as being on the whole most fair was that in the case of a tenant under £10 valuation being evicted he might claim seven years' rent, and in addition compensation for permanent buildings and reclamation of land; but if the tenant claimed compensation for minor improvements then he would receive only five years' rent on eviction. The improvements made by that class of tenants were very little indeed.

Mr. HENLEY said, that by the 4th clause compensation was to be given for improvements made within 20 years; but with regard to compensation for the reclamation of land there was no limit as to time. He thought some definition ought to be given of what was deemed reclamation, for many would think taking up grass land and turning it into arable reclamation, though he might call it waste.

Mr. CHICHESTER FORTESCUE said, he did not think there was any difficulty in the question of the right hon. Gentleman (Mr. Henley), but it was somewhat prematurely put. The right hon. Gentleman appeared to have overlooked one of the important provisoes to Clause 4, with respect to all existing improvements, including reclamations. When they reached that point there would be ample opportunity for discussion.

Mr. C. S. READ said, he could not see the connection between permanent buildings and reclamation. Everyone knew what permanent buildings were, but reclamations of land had no necessary connection with permanent improvements. They all knew how soon reclamations might revert to a state of absolute barrenness. A tenant might pare and burn the land, take two crops of potatoes, followed by oats, and he might then lay it down in what he would call permanent grass, by sowing a few hay seeds; but in about 10 years it would become as barren as ever it was before. As the hon. Member for Leicestershire said, a tenant in the course of a 31 years' lease might have to reclaim the "reclaimed land" three times over. He trusted that the Committee would divide on the question, so as to ensure the separation of reclaimed land from permanent buildings.

Mr. PELL said, he would not withhold from the tenant compensation or security for compensation for any improvements on the land in respect of agriculture; but he objected to what was so excessively indefinite as reclamations of land being mixed up with what were so well defined as permanent buildings. Everyone acquainted with Ireland must have noticed that the land was scored over with the marks of old potatoe ridges which had been abandoned in consequence of the disease of the plant. It was for the Committee to decide whether the fact that such pieces of land had been cultivated thirty or forty years ago was to confer a claim of the same nature as permanent improvements. He should therefore move to leave out the words "reclamation of land."

The ATTORNEY GENERAL said, he thought they might raise precisely the same number of questions as to what were "permanent buildings." What were "permanent buildings?" A house, a pigsty, or a wall? They could not define them. "Reclamations of land" were as well understood as "permanent buildings." They belonged to a class of improvements as well known as embanking, enclosure, or fencing. These subtle criticisms were altogether misplaced.

Mr. MOORE said, he apprehended that these two species of improvements coming before a Judge would stand in one and the same light; if a tenant claimed for a house which was in ruins, he would get no compensation; and so a person claiming compensation for land he had reclaimed, but which had again fallen into wilderness, would get none.

Amendment *negatived.*

Motion *agreed to;* The words "Any tenant, &c.," *inserted.*

Mr. HEADLAM, in rising to bring forward the Amendment of which he had given notice, said, that upon it the discussion would probably last beyond the hour of adjournment, and he therefore offered to the Government that they should proceed with the two next paragraphs, and proposed himself to postpone his Amendment until after Easter. ["No, no!"] As this proposal was not acceded to he would proceed to move it, and the first observation he had to make was that it had attracted a degree of attention, and assumed an importance which he, for one, certainly never had attached to it. The circumstances which had given rise to this importance were partly the desultory conversation that occurred on Thursday last upon the subject of this Amendment, and partly the fact that the right hon. Gentleman the First Minister of the Crown had unnecessarily, and, as he thought, with some precipitancy, before any opportunity had been given for explaining the Amendment, interposed an opinion that it was against the principle of the Bill. The Solicitor General, also, had felt in duty bound to endorse that sentiment. When he put the Notice on the Paper nothing was further from his intention than to do anything to attack the principle of the Bill. He never dreamt that it was a principle of the Bill that a tenant under lease should be exonerated from the duty of giving up peaceable possession of the demised land at the end of his term; nor had he ever dreamt that it was against the principle of the Bill that a landlord resuming possession of his land at the termination of a lease should be deemed to be disturbing a tenant within the meaning of the Act. It might be asked what was his object in moving the proviso. He had given notice of it originally, because in this Bill the House had been doing much to shake well-established usages, and to interfere with principles recognized in all past times. It seemed right and fair, accordingly, to bring before the mind of every tenant-farmer in Ireland who might not be supposed to know accurately what was the law, and might suppose that many other things were shaken besides those which were dealt with in the Bill, the fact that the duty of giving up the land which he held at the end of his lease was one from which he was not to be exonerated. It was also due to the landlord that it should be distinctly made known that he would not be acting as a disturber in doing that which at all times heretofore had been legal and regular. The discussions which had recently been held showed clearly the necessity of some such provision as he had suggested; for his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) avowed that he had read the Bill upon the assumption that it was not intended to make the landlord a disturber if he claimed his land upon the expiration of his lease. The interpretation put upon the clause by the Government being exactly opposed to that which he and his hon. and learned Friend the Member for Richmond had put upon it, it was due not less to the Government than to the tenantry of Ireland that all possibility of misconception should be removed. He would explain as clearly and as shortly as he could the existing law upon the subject; and, speaking in the presence of many of his hon. and learned Friends, if he fell into the slightest inaccuracy they would at once correct him. If any person took land from another for a definite and stated period it was his duty to relinquish the land at the end of that time, and the landlord was perfectly entitled to take possession of it when that time arrived. Whether the period were long or short, and whether the rent were great or small, in every such case the landlord was not under any legal obligation to give notice to quit, but the tenancy determined, *ipso facto*, on the conclusion of the term. That was a matter of substance, and not a mere technicality, for it proved distinctly that the tenancy determined without any such notice being given. If, for instance, a landlord let land for a period of five years from the 1st of January, 1870, terminating on the 1st of January, 1875, the landlord, as soon as that contract was entered into, was at perfect liberty to let the land from the 1st of January, 1875, to another person; and, if he did so, the tenant for the five years would be bound to yield up possession on the day named to the person who was to succeed him, without any previous notice to quit having been given by the landlord. On the other hand, the tenant was entitled to go out at the end of his term without giving to the landlord any notice of his intention to do so. The rights of both parties were perfectly equal—it was assumed that they both understood the law; and, of course, the same power of giving notice to quit existed for both parties. If, however, the tenant did not go out at the expiration of his term, but remained in occupation, and paid a year's rent, which was accepted by the landlord, then, under these circumstances, a contract of a new and entirely different nature was built up and implied by the law from the conduct of the parties. The tenancy, instead of being for a fixed and stated period, was held to be for an indefinite period, continuing until one or other of the parties gave to the other a notice to quit; and, consequently, the tenancy being brought to a close by the notice to quit, the giving of this notice became an act of disturbance on the part of the landlord. This was a matter so familiar to all who had knowledge of the subject that he felt almost ashamed to quote authorities upon the point. But, as it was necessary that the matter should be clearly understood, he might refer to the definition to be found at page 305 of Woodfall's *Law of Landlord and Tenant*. Something had been said in the course of the discussion as to a lease for a year and a day; but precisely the same rule applied to a tenancy for the shortest period known to the law. There were thousands of cases in London of tenancies lasting for a week. Where lodgings were taken merely for a week, and nothing more was said as to the relations of parties, the tenancy expired at the end of the week; but if the tenant continued in occupation after the end of the week, paying weekly rent, then the law built up precisely the same kind of implied contract, which might last for an indefinite period of time, and was only to be terminated by a notice to quit. And here, again, the notice to quit determining the tenancy constituted an act of disturbance on the part of the landlord. On referring to the valuable Blue Book upon the tenure of land in other countries which had been laid before the House, he found that the state of the law was precisely similar in France, Belgium, Schleswig-Holstein, and other countries of Europe. Which form of lease was generally adopted in the State of Maine would be found at the end of this volume, by which it appeared that a tenant in that country bound himself to give up and peaceably quit the lands at the end of the term. Observe, therefore, the nature and character of the proposed legislation. If an Irishman should expatriate himself, and going over to the State of Maine, should take land there, he would enter into a covenant peaceably to quit and give up his land at the end of the term, and, what is more, he would by the laws of that country, be bound to fulfil his covenant; but, under the legislation now proposed, if an Irishman remaining in Ireland should, with a reckless disregard of his own interests, enter into a covenant that he would give up the land he took at the end of the term for which he took it, the law would step in and say that he should not be bound by such a contract, that he required protection, and that such a contract should be deemed against public policy, and ought not to be enforced. Could anything more startling be conceived than legislation of this character? What, however, he had stated was the result of the proposed legislation. But he objected not only to the result, but to the manner in which that result was arrived at. It was not by clear and distinct legislation on the subject, but it was obtained by putting a forced and unnatural meaning on the words—"disturbed in his holding by the act of the landlord." Those words could not with any propriety be held to mean the resumption of the land by a landlord at the end of a lease. He would defy his right hon. Friends on the Treasury Bench to show from any work of authority on law that the word "disturbance" had ever been applied to such a thing as the landlord entering upon the possession of his own land. He would even go further and say that colloquially it bore no such meaning. Under these circumstances he had fully expected that when he proposed his proviso Her Majesty's Government would have said that his proposal contained nothing but truisms; and, consequently, he was startled at the sudden and precipitant statement from the Treasury Bench that something so simple was contrary to the whole principle of the Bill. He had explained his own view of the matter, and he would now advert to what he understood was the exact intention of the Government. He apprehended that with respect to leases executed after the passing of this Act, a totally different principle was intended to prevail from that which now existed, and that the relation between the landlord and the tenant would be altered—that the landlord would be unable to let his land at the end of the term for which he had leased it, and would be unable himself to resume possession of it, and that the tenant would cease to be bound to give it up at the end of the term. Those new principles were, however, only to apply to leases made after a certain date, so that the same words would have different meanings according to the date of the document. Was it wise that they should have two sets of leases in which similar words were differently interpreted; that, for instance, a man who in October, 1869, entered into a lease for five years, should be bound to go out at the end of that time, but that if he entered into the lease in January, 1870, he should not be bound to go out. He would ask the Committee whether they could conceive any state of things more absurd or more likely to produce confusion and injustice? He believed, too, that such distinctions were calculated to make all law and all contracts uncertain, and to inflict unmixed mischief on the tenant himself instead of conferring upon him any benefit. He could understand it if they were to say that the Irish tenant was a person who could not be trusted to look after his own interests, and therefore that he should not be allowed to make a lease, or enter into a covenant; but to pass an Act of Parliament to say that both parties might enter into a contract, but that that contract should bear an interpretation intended by neither, was, in his opinion, in the highest degree absurd. It was for the benefit of all parties that the law should be clear, distinct, and intelligible, that contracts should be interpreted according to their meaning, and that the Irish tenant should know and understand the nature and extent of his obligations. It was with these objects that he moved the proviso on the Bill, sure that if the Committee consented to its introduction they would be proceeding for once in the progress of this Bill on firm and substantial ground which would not crumble away beneath them. He therefore begged to move, in page 3, line 35, after "land," to insert—

> "Provided always, That nothing in this Act contained shall exonerate a tenant under lease from the duty of giving up peaceable possession of the demised land at the end of the term, nor shall a landlord resuming possession at the termination of a lease be deemed to be disturbing a tenant within the meaning of this Act."

THE ATTORNEY GENERAL said, that his right hon. and learned Friend (Mr. Headlam) had stated that he intended to make the Bill clear and distinct. One thing, at any rate, was clear and distinct—that if his right hon. Friend's Amendment was carried the Bill would be utterly useless. His right hon. Friend had occupied a great deal of time in proving what, as far as he was aware, no human being had ever disputed—that if persons entered into a contract it was their duty to abide by it. Nobody ever questioned the doctrine that if a man took land for a certain number of years under a lease he was bound to quit at the end of the term: it was equally certain that if he took land as a tenant from year to year on the condition that he should quit on a six months' notice, that on the expiration of six months after receiving the notice he was bound to quit. His right hon. Friend had urged that a landlord who entered upon possession of his land at the termination of his lease could not be regarded as a disturber, but he (the Attorney General) went further and contended that a landlord entering after notice upon land held from year to year could not be regarded as a disturber. If that were so the right hon. Gentleman's argument fell to the ground, because it was entirely based upon a distinction which did not exist. The question involved in the Bill was one of policy. The Government had never denied that they were asking Parliament to deal with the relations between landlord and tenant in Ireland on different principles from those which prevailed in England; and if they were not justified in adopting that exceptional course for the sake of giving not fixity, but greater security of tenure, the Bill ought to have been rejected on the second reading. The clause before the Committee provided in substance that, with respect to tenants from year to year and having only short leases, the landlord who entered into possession should pay a certain amount in the shape of damages or compensation—he did not care which it was called—under circumstances which had been explained over and over again. The landlord would have the same right to enter that he had now; he might take possession of the land immediately on the termination of the lease, but their object was to give compensation for eviction and also for improvements where the landlord entered into possession of the land, unless he gave leases of a certain duration. As the Bill now stood, in the case of a 31 years' lease the tenant would have no claim; and also in the case of 21 years' lease, under certain circumstances, he would have none. These were provisions which they would subsequently come to and discuss; but what he was now anxious to point out to the Committee was, that the effect of the Amendment would be, that any lease, however short, whether for 12 months or only for a week, would disentitle the tenant to any claim whatever for compensation. That was altogether contrary to the principle of the Bill, and if it were once affirmed, any further discussion of the clause would be idle. He hoped, therefore, the Committee would not agree to the Amendment.

MR. CORRANCE said, he trusted that he might be allowed to say a few words in support of the proviso of the right hon. and learned Gentleman (Mr. Headlam). The Government had every right to be anxious and solicitous about their Bill. They had every right to be jealous of the beautiful structure of this clause, lest what the right hon. Gentleman at the head of the Government had called a miscellaneous cargo might be imported. But was the Government clause incapable of misconstruction? He thought not; and, therefore, he was desirous that a provision like that before the Committee should be introduced. It had been said that for Ireland they must have exceptional legislation, and assuredly the language of the clause was exceptional—exceptional even to a learned lawyer, as had been admitted —and he did not know what it meant. He asked, therefore, that a distinct interpretation should be furnished, otherwise, instead of this being a message of peace, it would be likely to prove a message of war to Ireland. The right hon. Gentleman at the head of the Government made an appeal last night to his followers, which was not implicitly obeyed. He wished the right hon. Gentleman could have seen the faces behind him. They went into the Lobby with him, but they came out discontented men, feeling that they had voted against their convictions. They asked for a reason, but no reason had been vouchsafed to them. It was for the right hon. Gentleman at the head of the Government to justify this peculiar proponal for legislation. Such legislation ought to be clear and understandable, and conformable to reason, rather than that force of numbers upon which the right hon. Gentleman depended. Let him remember the vote of Thursday. The state of things before him reminded him of a passage which he had read in Kinglake's *History of the Crimean War*, and which ran thus—

> "In their English way, half sportive, half surly, our young soldiers began shooting easy shots into the big, solid mass of infantry which was solemnly marching against them. The column was not unsteady, but it was perhaps an over-drilled body of men unskilfully or weakly handled. At all events, those who wielded it were unable to make its strength tell against clusters of English lads who stood facing it merrily, teasing it with rifle balls. Soon the column was ordered or suffered to yield, and, since it fell back to a spot where the ground was hollow, it lapsed nearly or quite out of sight. Portions of the column—mainly those in the centre and in rear—became discomposed and unsettled."

And let him mark what followed—

> "Upon his retreat he met on the road a lone man —a lone man on foot, walking away from the field. He looked, and came to make out that this lone pedestrian was Prince Gortschakoff — Prince Gortschakoff, the chief to whom he had intrusted the command of the whole centre and the whole right wing of his army. 'What is this?' 'What is the matter?' 'Why are you on foot?' Why are you alone?' These, as was natural, were the questions hurled at Prince Gortschakoff by his troubled, amazed commander."

With every hope that the parallel might not be further realized, he should give his cordial support to the Motion of the right hon. and learned Gentleman.

Mr. BRUEN said, the Committee had now to learn that a man who signed a contract to give up his holding at the end of his term quietly and peaceably, according to the usual covenant of leases, was to be absolved from the contract when the time came for carrying it into effect. It was well to learn gradually what was the intention and scope of the Bill. On the one hand, for the first time, he believed, in legal history, the Government were seeking to enforce an imperfect moral obligation by legal enactment, while, on the other hand, they were seeking to set aside a perfect moral obligation—a contract in a lease, by the omission of provisions which the right hon. Gentleman (Mr. Headlam) now sought to supply. He hoped the Committee would hold that contracts deliberately entered into by men who were able to protect themselves should be enforced by law, and not be subject to this exceptional course of legislation.

Sir ROUNDELL PALMER said, he wished to recall the attention of the Committee to the precise position in which they stood. There could be no doubt that the Amendment of his right hon. Friend (Mr. Headlam) was meant to raise a question of principle of very great importance; but the same question of principle was proposed to be raised in a different manner by three Amendments, one of which he had himself placed on the Paper, upon the 3rd sub-section. The Committee would observe that they were now dealing with a portion of the 3rd clause which was prospective only. The retrospective part, at which they had not yet arrived, applicable to present tenancies, left all leases for fixed terms exactly as they stood by law, so that there would be no claim against the landlord upon the termination of any existing lease. It was entirely prospective legislation with which they were dealing now; and whenever landlords and tenants meant hereafter to agree on the terms on which a future tenancy was to be constituted, if they determined on a lease for less than 31 years, the effect of the Act would be to superadd something to the agreement, and to confer on the tenant a right, unless he was permitted to continue in possession of his farm after the expiration of his lease, to prefer a claim to compensation on the footing of what was called loss for quitting his holding. Now, it appeared to him impolitic and unwise, and in no degree whatever necessary, to impose such compulsory terms upon all future contracts between landlord and tenant for fixed leases for less than 31 years; because he thought neither landlord nor tenant would benefit thereby, and the landlord could, by making terms as to rent and in other ways, protect himself; the effect of such legislation being really to discourage by law a fixed term of lease unless for 31 years. He continued to be of opinion that it was not expedient to make a 31 years' lease the minimum lease for the future in Ireland; but he repeated that this was not taking away property from the landlord, because it was prospective only; it was simply proposing to introduce compulsory terms into contracts of a certain description. The question was, in what manner the Committee might best consider the policy of this provision. Originally, he had used the same language as that of his right hon. Friend (Mr. Headlam), and had said he could not conceive why any lease whatever should be interfered with. As far as the principle went, he saw no reason to retract that opinion. Subsequently, however, his right hon. Friend (Mr. Gladstone) pointed out what had escaped his notice, but was very just and required attention—namely, that the object of the Bill was to protect the small tenants in Ireland with ordinary holdings from year to year; and that if in all future contracts the landlords were permitted to create tenancies, not from year to year, but for a single year, you would have the same kind of complication under the form of a perpetual legal notice to quit. Now, he did not intend to advocate anything which would open the door to an evasion of the spirit and principles upon which this legislation was founded in the class of cases for which it was meant to provide. What he had in view was *bonâ fide* leases fairly entered into and clearly understood on both sides. Bearing this in mind, he said on a subsequent occasion that he thought a seven years' lease would be a fair term. However, others who were equally desirous with himself to legislate prudently on this subject thought a seven years' lease too short a term. For that reason he had put on the Notice Paper an Amendment proposing to substitute 14 for 31 years as the term which the law should in future recognize as the length of a *bonâ fide* lease, being sufficient to obviate the necessity of bringing the claim under any exceptional provisions. His right hon. Friend the Member for the University of Dublin (Dr. Ball) had also put on the Paper a Notice in favour of 21 years. Under these circumstances, he was of opinion the Committee had not arrived at that stage of the Bill when the question might best be raised, and therefore he could not support the present proposition.

SIR GEORGE JENKINSON said, they had been told that the whole object of the clause was to prevent the arbitrary eviction of small tenants, and he did not see why it should not be limited to that class. The Committee had given those small tenants every protection, and had even, by Clause 3, made them co-proprietors with the present owners of the land to the extent of one-third of their property; what reason could there be for hesitating to declare that a man who had a lease for a certain number of years should, at its expiration, peaceably give up possession of the land let to him by the owner? It was idle to say the Government did not wish to extend the provisions of this measure to England or Scotland, for they might be sure that an impetus had been given to the ideas of men who could see that attacks might be made upon the rights of property. Such ideas were catching. A letter had been written to *The Chamber of Agriculture Journal*, signed "An Essex Farmer," in which the writer said—

> "We have no desire to embarrass the Government by pressing our claim at this moment. Let us see a good Bill passed for Ireland first, and then we can press our claim for a good tenant-right Bill for England, Scotland and Wales."

If a Scotch landowner was to be at liberty to retake possession of a farm at the end of a lease of 19 years; if he might advertise it for reletting, and was not bound to renew the lease to the outgoing tenant, why should leases in Ireland enjoy more favourable terms? He wished to remind the House of what the Postmaster General (the Marquess of Hartington) said at Sheffield last September—

> "It is not only the property of Irish landlords which is at stake; it is not only the property of English landlords, but it is property of all kinds which will be at stake; for do not suppose for a moment that any discussion will arise next year, or that any measure can be passed, without principles and doctrines being enunciated equally hostile

> not only to the interests of landlords, but of capitalists of every description."

Those were very important and almost solemn words; they were spoken by a Member of the Cabinet, and it was astonishing to think that the noble Marquess who uttered them could remain silent while he saw the rights of property gradually melting away. It was not likely that, in the few months that had elapsed, the noble Marquess had changed his sentiments; but if he had done so, would he state to the Committee what were his reasons for having changed them? Hon. Members should recollect that legislation to be effectual must be just; and if the Committee rushed into extremes, they would rue the day when they made a landlord-wrong out of tenant-right. They might be sure that would result in the tenant's ultimate discomfiture, because all the fines and penalties that might be imposed on the landlords would recoil on the occupiers, sooner or later. He protested against the infraction of the rights of property attempted by the Bill, for while he would not have justice denied to the Irish tenants, he thought that in combination therewith justice should not be lost sight of in regard to the landlords.

SIR ROBERT ANSTRUTHER said, he had been obliged to vote against the Ministry in previous Divisions on this Bill, and as he intended to do so again, not having any doubt that this was the proper course for him to take, he hoped the Committee would allow him to give his reasons. Although the Amendment might be open, as the hon. and learned Member for Richmond (Sir Roundell Palmer) had pointed out, to objections as to time, its principle could not be touched, for it was plainly the duty of the Government to insert in the clause words that would limit its action to other than cases of *bonâ fide* leases. In his opinion the position taken up by the Government had no justification, for if their principle was a good one for Ireland, why—although the Attorney General turned up his eyes with horror at the idea—should not the same measure be extended to England? It was unreasonable to expect hon. Members to believe that a six months' notice to quit was a bad thing in Ireland but a good one in England; and therefore, agreeing as he did with the principle of the measure, he was prepared to go beyond it, and would say that if the Government wished to be consistent they were bound to make the same provision for England as for Ireland. It was fair to argue that the tenure of land was different in the two countries, but before long the Government would be called upon, and justly, to terminate the power of English and Scotch landlords to evict without a cause. When he read the Bill he felt convinced that the Government could not stop at legislating for Ireland, for did they suppose there was no "screw" put upon the tenantry in England? Would it not be found on inquiry that there were hundreds and thousands of cases in England of tenants being obliged to vote and do many things, not according to their own consciences, but in obedience to the will of their landlords, because the latter had the power of turning them out of their farms? Hon. Members should face this matter and not be afraid of it; and as they would have to face it very soon, his respectful advice to them was to do it at once. The Attorney General wished the Committee to believe that a man who held under a six months' notice to quit was not worse off than he who held under a contract. But that did not affect the question, for the Committee were asked to affirm that, from the passing of the Bill, it should be in the power of an Irish tenant to make a contract with his landlord, the binding part of the contract to be wholly on the side of the landlord. There was not a shadow of a reason for what was proposed. If there were men who were fit to contract, let them contract fairly, and let the tenant be as much bound on his side by the terms of the lease as the landlord was bound on his side. It appeared to him that the Interpretation Clause embodied a distinct violation of the principle of freedom of contract, for it contained this definition—

> "The term 'tenant' in relation to a holding shall mean any tenant from year to year and any tenant for a life or lives or for a term of years under a lease or contract for a lease, and where the tenancy of any person having been a tenant under a tenancy which does not disentitle him to compensation under this Act, is determined or expiring, he shall, notwithstanding such determination or expiration, be deemed to be a tenant until he has received the compensation, if any, due to him under this Act."

This seemed to him to be a violation of the first principle of the law of contract, and he had, therefore, no hesitation in giving his support to the right hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam).

LORD CLAUD HAMILTON said, that to avoid the possibility of its being said afterwards that he had assented to a principle which he disapproved, he felt bound to speak, equally in the interests of landlords and tenants, which were identical and inseparable, and to assert that if the Committee violated the essential principles of justice and right, in order to obtain for the tenant a temporary advantage, the certain result would be to involve both parties in loss. [" Divide ! "] He must remind those who were so anxious to rush into the Lobby that, rather than stand in the way of the second reading of the Bill, he waived his right to speak upon it; and he therefore trusted hon. Members would restrain their impatience while he discharged a duty to those who returned him to Parliament. Hon. Members were endeavouring to lay on other men's shoulders heavy burdens which they would not touch with one of their own fingers. He would ask whether the principles now enunciated by the hon. and learned Attorney General were to be applied to England and Scotland? On a former occasion the hon. and learned Gentleman argued that the legalization of tenant-right in Ulster was an assimilation of the law of Ireland to that of England and Scotland, and he referred to certain usages in Dublin and elsewhere. Now, however, the hon. and learned Gentleman took another and an opposite ground, and he said that policy rendered it necessary to deviate from the principle which obtained in England. Surely, it was striking at the root of equality between the different portions of the Empire when it was said that what was right in one part of the United Kingdom was not to extend to the inhabitants of another part. Surely this was venturing on a dangerous course; and the hon. and learned Member had assumed, without attempting to show, that there were peculiarities in the case of Ireland which made it politic in legislating for Ireland to deviate from principles that were adopted in England. It had been alleged that one of the main causes of the unsatisfactory state of Ireland was the insecurity of the tenant, owing to the indisposition of the landlords to grant leases; but further inquiry had shown that in the greater portion of Ireland the tenants were not anxious to have leases. What could be more inconsistent than to endeavour to establish a system of covenants which professed to be binding on both parties, if at the very outset we said that one of the parties was not to be bound by the terms of the covenant? If two persans were to sign a document defining their relative position for a certain number of years, upon what principle was one of them, at the expiration of the term, to turn round and say to the other—" As the prescribed time has elapsed, I say that you are a disturber," and to summon him to a Court for the assessment of damages? The hon. and learned Attorney General, in order to raise a prejudice, resorted to such a wretched argument as to speak of a lease for a year and a week; could he be serious in suggesting the possibility of a lease for a week? The hon. and learned Gentleman had put that statement forward as a sort of ridiculous hobgoblin to frighten those who were in the habit of following their leader into the Lobby without knowing why or wherefore. When it was found that an hon. Member armed at all points, as was the hon. and learned Member, resorted to such wretched pleas as these, everyone must appreciate the weakness of his position. He was glad to find that the protest against undermining the value of leases had not proceeded from that (the Opposition) side of the House only, but that it had proceeded from at least two hon. Members sitting behind the Government Benches. This principle of setting aside the terms and covenants of leases had been introduced into the Bill since the House had assented to the second reading of the measure. The subject had been treated in a very off-hand manner by hon. Members opposite, and he thought that the question ought to be calmly and quietly considered by the Committee before they arrived at any decision with reference to it.

House *resumed.*

Committee report Progress; to sit again upon *Thursday* 28th April.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

METROPOLIS—WATERSIDE CATTLE MARKET.—OBSERVATIONS.

MR. SAMUDA, in rising to call attention to negotiations going on for the selection of a site for a waterside Foreign Cattle Market, said, that by an Act passed in 1869 the Corporation of the City of London was authorized to construct such a market; but in case of its failure to do so to the satisfaction of the Privy Council by January, 1872, the project might be taken up by other parties, who would be considered "the local authorities" for that specific purpose. The matter was one of very great importance. In the year 1865, just before the appearance of the cattle plague, no fewer than 300,000 oxen and 900,000 sheep were sold in the Metropolitan Cattle Market, and were, he presumed, consumed in the metropolis. Of those, rather more than one-half of the entire number were imported. If the result of the cattle plague had been to raise the price of meat 1*d.* per pound, that increase imposed an additional charge of £1,000,000 sterling a year on the meat consumers of the metropolis. The Corporation had solicited offers of sites for a waterside market, and at least four sites had been offered, of which three were on the north side of the Thames. The first was offered by the Victoria Dock Company, and lay at North Woolwich. It consisted of 35 acres of ground contiguous to the river, and in immediate connection with 300 or 400 acres of pasturage land, separated from the other marsh pasture by a wide dyke. Railway communication both with the Cattle Market at Islington, and the Dead Meat Market at Smithfield, was close at hand. The second site was one of 15 acres, contiguous to the upper entrance of the Victoria Dock, and known as Odams Manure Factory, Blackwall. It had a wharf frontage of 700 feet, and the advantage of proximate railway communication. The third site was the surplus land of the Millwall Docks, in the Isle of Dogs. It was 50 acres in extent, was near railways, and had a wharf frontage of 1,200 feet on one side, and 2,000 feet on the other. In addition to those, an offer was made of a small piece of ground—about 12 acres in all—on the south side of the river at Deptford, called Deadman's Dock, and situate immediately above the Government Victualling Yard. These four sites had been submitted to the Common Council, and he understood they had submitted to the Vice President of the Council the piece of ground on the south side of the river at Deptford as that which they desired to take for the purposes of a Foreign Cattle Market. Seeing that that site was so unsuitable and inferior to the others, he himself put a Question to the right hon. Gentleman on the subject, and was followed up by another from the hon. Member for West Essex (Sir Henry Selwin-Ibbetson), in replying to which the right hon Gentleman said, although it was not the business of the Government to find out the best site in or near the metropolis, it was their duty to say that a site would not be satisfactory if it evidently would not; and he went on to state that after hearing the Markets Committee's statement the Privy Council came to the conclusion that there was no reason for objecting to the proposed site at Deptford provided the area was sufficiently large to meet the requirements of the market and to give the necessary wharf accommodation. Now, he (Mr. Samuda) had every confidence in his right hon. Friend's determination to do what was right in that matter; and his present object was to point out to him that even if 14 acres could be obtained at Deptford, they would be wholly inadequate for the requirements of the public and the trade, and also that, whatever quantity of land could be procured there, the south side of the river would not be nearly so suitable a site as on the north side of the Thames. With respect to the comparative advantages of north and south, it was manifest, in the first place, that two - thirds of the consumers lay on the north of the river. In the next place, so completely had the general trade of the metropolis fallen into the course which he stated was most convenient that the majority of all the foreign cattle were disembarked on the north side. Brown's Wharf, Victoria Dock, Blackwall, were the great depôts. Thirdly, the distance between the Millwall site and Whitechapel by road might be accomplished with a light travelling cart in 20 minutes, while to go to the south side by the same conveyance you would have not only to pass over three miles of ground when you reached the other side of the river, but, what was of much more consequence, the whole of the traffic would have to be carried over London Bridge, the management of the traffic over which was already one of the great difficulties of metropolitan regulation. With regard to the amount of acreage required, it was perfectly clear that the City of London had not, in the slightest degree, realized the intentions of the Committee of that House. When the City authorities came to examine the sites on the northern bank of the river, and the large extent of acreage available was pointed out, the reply was that they did not want 15 or 20 acres; an acre and a half would be sufficient for them; all they required was a place large enough to turn in the cattle that might be diseased. Now, the whole object was to keep foreign cattle separate from the Islington market, and when it was recollected that on the average 2,500 foreign cattle and 10,000 sheep were landed every week, it was easy to perceive that even for lairs an acre and a half would be entirely insufficient. At present three-fourths of the foreign cattle came under the ban of the Act applying to infected districts; and if sufficient space were not provided, the shippers could not send them, and the result would be that we should soon be reduced to famine prices. Even supposing there were no quarantine, seeing that the greatest number of foreign arrivals took place in the earlier part of the week, while the latter part of the week was devoted to slaughtering, they must have accommodation sufficient for one week's consumption. He assumed that an acre of ground would be required as lairage for 300 cattle or 1,000 sheep. Therefore, for 2,500 cattle and 10,000 sheep fully 18 acres were required; while, if they considered the area requisite for roads, slaughterhouses, offices, shops, and the arrangements of a market generally, fully another 18 acres ought to be provided; so that with our present consumption we could not do with less than 40 acres. And if that were so it would be most unwise to select any site not capable of extension to twice that quantity, looking to the enormous increase of the foreign cattle trade which had occurred of late years. For instance, while in 1860 the importations amounted only to 104,000 head of cattle and 320,000 sheep, in 1865 they had risen to 284,000 of the former and 910,000 of the latter. In his opinion the authorities of the City of London had taken a short-sighted view of the matter; he was convinced that nothing less than an ample and efficiently constructed market would answer, and that if there was any failure to fulfil the object of the Legislature, owing to a too limited space being provided, the work would have to be done over again. He hoped the Board of Trade would take up this question, which could be more satisfactorily dealt with there than if its adjustment fell into the hands of interested parties who would not be likely to consult the public interest.

SIR HENRY SELWIN-IBBETSON said, he represented a constituency (West Essex) which was deeply interested in the efficient carrying out of the Act of last Session. After the part which the Vice President of the Council had taken in the passing of that measure, his constituents were quite prepared to leave the matter in the right hon. Gentleman's hands; but their attention having been called to a meeting of the Common Council held in January last, at which the subject of the Foreign Market was brought under the notice of the Common Council by the Markets Committee, they felt that some attempt was going to be made to represent before the Privy Council as eligible a site which really was not adequate to the wants of the trade. They were led to believe that the Markets Committee did not look at the matter with that gravity which they, as home producers, liked to see—because they felt that the time had arrived when they ought to be released from those restrictions which had so long harassed the home trade — and they hoped that the Vice President would not sanction any scheme which would not provide for a sufficient market. The two chief points were—first, that the site should be of sufficient acreage; and, secondly, that the wharf accommodation should be sufficient for the disembarcation of the cattle. With regard to the proposed site and the wharfage accommodation it afforded, he was told that the actual wharfage front was not over 300 feet. Now, all the authorities appeared to agree that a very much larger extent of wharfage was necessary, and that 600 feet at least was absolutely required. From accounts which had been placed in his hands it appeared that a large number of vessels laden with cattle arrived by the same tide, and consequently required to discharge their cargoes almost at the same time. The navigation also from Gravesend to Deadman's Dock was very difficult, so that very frequently vessels were obliged to remain at Gravesend for two hours before the tide enabled them to go up the river. On some days 11 vessels required to discharge their cargoes within four hours, and that could not be done conveniently at the wharfage front available at Deadman's Dock. The hon. Member having read at some length extracts from letters of persons largely connected with the cattle trade, pressing the necessity for large accommodation for landing imported cattle, proceeded to contrast the facilities of access presented by the northern on the southern sites, saying that if a southern site were selected there would be great delay in the transmission of the meat. It had been said, with regard to the sites on the northern side of the river, that the railway accommodation would be deficient; but it could hardly be considered so after the passing of the Act empowering the Great Eastern Railway to complete their junction to the Metropolitan Meat Market. In conclusion, he wished to impress on the Vice President of the Council the wish of the farmers and of the home trade in his part of the country that if possible the Government should exercise their veto with regard to the site, so as to procure for them a really efficient market for the foreign trade.

Mr. W. E. FORSTER said, he did not complain of the length at which his hon. Friend (Mr. Samuda) had dwelt upon this question, because he was well aware of its extreme importance and of the responsibility which rested on the Department he represented. At the same time, he must express his opinion that his hon. Friend over-estimated the amount of responsibility which attached to the Privy Council. Hon. Members who had taken part in the discussion previous to the passing of the Act of last year would bear him out when he stated that it was not intended that the choice of the market should rest with the Government. It was, however, intended that the Government should have a veto with regard to any site that might be proposed; but as the City authorities had to construct and maintain the market, it was for them to choose a place or a certain number of places, and to obtain the opinion of the Privy Council as to whether any of these places was a suitable one. The present position of affairs was as follows:—Some time ago the Markets Committee waited upon his noble Friend Earl de Grey and himself, and stated that they had thoroughly examined eight sites, plans of which were submitted to the opinion of the Privy Council. They appeared to prefer Deadman's Dock, because it was the nearest of all to the Royal Exchange, its distance being 3¾ miles, while the site near Victoria Dock was 4½ miles; and it was clear it was best situated as regards the present railway accommodation. His noble Friend and himself felt that, as far as mere situation went, there was no objection to that site. He (Mr. W. E. Forster) consequently instructed the Secretary of the Veterinary Department of the Privy Council to write to the Corporation, that they saw no reason to object to the site at Deptford, provided the area would be sufficiently large to meet the requirements of the trade, and that there would also be adequate wharfage accommodation. It was for the City to ascertain what extent of market they would require, and having ascertained that, to furnish the City with that market. It was easy to judge what extent of market room was required from the aggregate of the imports in past times, and this seemed to be the only preliminary point the Corporation had to determine. There could be no doubt that a large market would be required; but he understood that the area at Deadman's Dock would contain 18 acres. It had been very properly stated that sufficient wharfage accommodation would be necessary, and on this point he would observe that it would be quite possible, by throwing out piers and jetties, if the Thames Conservancy would sanction it, to provide the necessary wharfage accommodation on the site suggested. This would, no doubt, involve considerable expenditure; but that also was a point for the Corporation to decide. The Markets Committee, he believed, had not finally decided upon its Report; but it had all the necessary information and calculations before it, and the House might rest assured that both the Corporation, on the one hand, and the Government on the other, were well aware that a *boná fide* market would have to be made. It could hardly be supposed that the City authorities would attempt to make a market which the Government could not approve; because it would be a serious expense to them if, after they had incurred all the expense, the market were disapproved as inadequate to the requirements. The Markets Committee was composed of excellent men of business, who knew exactly what was required of them. He was glad of this discussion, as it would remove an impression that the Corporation did not intend to make the market. He was not aware of any reason for the supposition. It had been stated that the imports were diminishing; but it was not wise to judge by the results of a month or two. The imports last year were double the amount of the year before. He believed in the necessity for separating the foreign from the home market, and he had no doubt that such an arrangement would prove advantageous both to the trade and to agriculturists. The Privy Council, while declining to select the site, were determined that the market to be provided should fully meet all the requirements of the case.

Mr. LOCKE said, that he had served on the Foreign Cattle Market Committee two years ago; and he was sure from what had just been stated that after due consideration a proper market would be built. The fact that the Corporation had selected a site at Deptford, which was on the opposite side of the river, showed that they had sound reasons for their choice. As he represented a borough (Southwark) on the same side of the water, he might perhaps be allowed to say a few words in favour of this selection. Of course hon. Members knew that all these foreign animals had skins, which must be carried away. The regular receptacle for such skins was the borough of Southwark, where the principal tanners in England carried on their business—the most famous borough in the world for tanning. It was stated before the Parliamentary Committee that it would be very convenient to the tanning trade to have the market near Southwark, so that there might be no necessity for carrying the skins through the crowded thoroughfares of the City. It would be absurd, in his opinion, to listen to the advice of the hon. Member for the Tower Hamlets (Mr. Samuda), who on this occasion rather represented Whitechapel, and place the market in the neighbourhood of the Isle of Dogs, in a village deserted by mankind, and, above all, avoided by tanners. After being distinctly informed as to the space required the Corporation had come to the conclusion that Deptford was the best place.

Mr. W. E. FORSTER observed, that the hon. Member was under a misapprehension. The Corporation had not come to any conclusion, for the Markets Committee had not yet sent in their first Report.

Mr. LOCKE said, the Corporation had, at any rate, made special reference to Deptford, not, perhaps, as being the most salubrious spot, for that was unnecessary, but as the most convenient site for a market. He hoped they would adhere to this opinion.

Mr. C. S. READ remarked that thanks were due to the hon. Member for the Tower Hamlets for bringing forward this subject, although the agricultural interest had full confidence in the right hon. Gentleman the Vice President of the Council. It would be in the recollection of the House that by the Act of last year a monopoly was given to the Corporation of London on the condition that they opened the market in the course of three years. It was not to be supposed for a moment that the Corporation would resign their monopoly, and thus give up their chance of doubling the tolls on the home stock, and, therefore, the right hon. Gentleman the Vice President of the Council had a pretty tight rein over them, and it was to be hoped he would not fail to use it with firmness. Still the home producers wished to protect the trade from the inconvenience which would arise from the establishment of a small market in some out-of-the-way place down the river. The hon. Member for Southwark said that the site need not be salubrious; but the neighbourhood of large sewers was not the best place for a dead meat market. The necessity for providing not only for the present scheduled stock, but for the contingencies of an outbreak of disease amongst foreign cattle and sheep must not be forgotten.

Mr. A. JOHNSTON said, he thought it would not escape the observation of his right hon. Friend (Mr. W. E. Forster) that of those who had spoken in the debate the independent opinion was entirely in favour of a market on the northern bank of the Thames. He (Mr. Johnston) might be considered interested. His hon. Friend the Member for Southwark might be considered interested; but the hon. Members for West Essex and South Norfork were not so in any degree, and their opinion was entitled to very great weight for that reason. Now his hon. Friend the Member for Southwark (Mr. Locke) had said that the Corporation probably had some very good reason for selecting Deadman's Dock. No doubt they had. The only question was, what the reason was. Now, it had been said, he knew not with what truth, that the object in fixing on such an out-of-the-way site was to concentrate the whole of the meat trade at Smithfield. The Deptford site was so inaccessible to the general public, that the meat would have to be brought to Smithfield before they could come and buy it, and in that case the Corporation would get two sets of tolls instead of one, possibly a legitimate object for them, but not one on which the public, or his right hon. Friend, who had the public interest to protect, could look with very great favour. His hon. Friend opposite (Sir Henry Selwin-Ibbetson) had told the House truly that he represented a most important grazing district. So did he (Mr. Johnston), but he represented more than that: he represented as well an immense and rapidly growing population in the midst of which was situated one of the market sites of which his hon. Friend (Mr. Samuda) had spoken with favour. A gentleman, perhaps better qualified than anyone else to judge, unconnected with that district, had assured him of his own accord that there was no suburb of London so interesting and important in its future. That district would in itself be a grand customer for any market; but it was connected by road and rail, as he would presently show, with all the north and centre of the metropolis. His right hon. Friend had said that the Deptford site was the nearest to the Exchange of any of those which had been offered to the Corporation; but he had admitted that the access to it was tortuous and narrow. "But," he said, "it has better railway accommodation." Well, supposing it had, and its advantage in this respect would be of short duration. What was railway accommodation? Why, his hon. Friend (Mr. Samuda) had shown clearly enough that for this purpose, and for these short distances, it ought not to weigh an iota against good access for vans by road. Now he (Mr. Johnston) did not hesitate to say that the Victoria Dock site had the best access of that kind that any site could possibly have. A wide avenue—he would call it a "noble avenue" were it not for the meanness of the building on either side of it— led from the "iron bridge" to the very heart of the metropolis. It was little known because of two great obstruction—its tolls, and the imperfect finish of its west end—but both these obstacles were about, he hoped, to disappear, and then, as he had said, no suburb would have finer communication. Now, the only argument good for anything, as it appeared to him, which his hon. Friend the Member for Southwark had used, was that which referred to leather. Well, they all knew there was nothing like it; but his hon. Friend had forgotten how easily these skins might be boated up and across the river to some handy little wharf — Deadman's Dock itself, perhaps—it was just about large enough for a hide market—and there handed over to the tanners of Bermondsey. He would not trouble the House with any further remarks. He trusted—nay, he knew—that his right hon. Friend would give the matter his most earnest attention—would weigh the arguments which had been brought forward in the debate, and protect the interests of the public which were committed to his care.

ARMY—REPORT OF MILITARY EDUCATION COMMISSION.

RESOLUTION.

Sir JOHN LUBBOCK, who had given notice to call attention to the Report of the Military Education Commission, especially with relation to the discouragement which it gives to the study of natural and physical science, said, that considering the short time during which he had had a seat in that

House, he ought perhaps to apologize for bringing forward a question of so much importance. The Commission was appointed in 1868 to inquire into the state of Military Education, and they had recently made their Report, which he did not intend to criticize in any hostile spirit, because he was fully aware how greatly the country was indebted to them for investigating this most important subject. The Commissioners had recommended that certain changes should be made in the examinations for direct commissions. Under the present system, out of a total of 13,800 marks, 3,600 were given for mathematics, 3,600 for classics, 1,200 for the English language, 1,200 for modern languages, 1,200 for ancient and modern history with geography, 1,200 for mineralogy and geology, 1,200 for chemistry, heat, and electricity, and 600 for drawing. Of the total number of marks, however, only 1,500 were required to qualify the candidate for a commission—1,200 of which might be obtained for knowledge of arithmetic and the first three books of Euclid, and 200 more for writing an ordinary English letter without a grammatical mistake. The Commissioners proposed, out of a total of 20,000 marks, of which number 2,000 must be obtained, to give 4,000 for mathematics, 4,000 for Latin, 3,000 for Greek, 1,000 for English composition, 2,000 for French, 2,000 for German, 1,500 for history, 1,500 for chemistry, heat, or electricity, and 1,000 for drawing. The House would therefore see that, while the Commissioners recommended that the total number of marks should be increased, the number given for English and for science would actually be diminished. The Commissioners justified that recommendation by the importance of checking the system of cramming, and the desirability of obtaining candidates from the public schools. He had, however, already shown that the examination under the existing system was extremely easy. The following question was put to Major General William Napier, the Vice President of the Council of Military Education, upon this point:—

> "If I understand you rightly, the subjects are so very simple—namely, Latin, English, and arithmetic, that one would suppose that no preliminary preparation at what are generally called 'cramming' schools would be at all necessary?—That is what I say. If a boy has a tolerable knowledge of classics and arithmetic and English, he ought to be able to pass that examination direct from school."

And it would, indeed, be a disgrace to our public schools if they were unable to turn out boys who could pass such an examination. There was, moreover, ample proof that the boys at our public schools could pass this examination. The boys who came up from Cheltenham and Marlborough almost invariably passed. At Eton, a special "Army Class" had been formed, and Dr. Hornby stated that no boy going up from Eton had failed in the Army examination since the reconstitution of that class. Moreover, the great public schools were now commencing in earnest to teach science. Dr. Hornby, in a letter addressed to himself, said—

> "To put it shortly, physical science in some form is made compulsory on every boy, from the time he gets in the fifth form till he gets with the first 100 of the school."

Dr. Butler and Dr. Ridding, the headmasters respectively of Harrow and Winchester, had also favoured him with similar information. He might be told that science was not necessary for the officers of the Line regiments; but, in answer to a question on that subject—

> "It has no doubt been found in many wars that it was necessary, particularly with our limited Army, to call for the assistance of officers of the Line to come in aid of the Engineers?"

Major General Napier replied—"Frequently." Hence, although science was less necessary for officers in the Line than for those in the Artillery and Engineers, it was very undesirable that it should be discouraged, and the House would remember that, even at present, it was only optional. Before recommending that it should be so much reduced in importance, surely the Commissioners ought to have examined some scientific witnesses. The Professor of Mathematics at Woolwich was the only scientific witness examined; but they did not ask him any questions on the point. He had, however, that gentleman's authority for saying that he would have rather urged the necessity of extending rather than diminishing the weight attached to science. It was said that the change was made to prevent cramming. He would remind the House that means could be taken to guard against the dangers of cramming. Mr. Bloxam, Lecturer on Chemistry at Woolwich, said a *vivâ voce* examination would always defeat cramming, and Professor Williamson said that no cramming in chemistry could possibly deceive a competent examiner. On the subject of English history, Dr. Dasent, than whom it would be impossible to have a higher authority, gave this evidence—

> "Lieutenant-Colonel Chesney: Have you ever heard any complaint that English history, or modern history, is a subject especially liable to be what is called crammed, in the sense of taking its knowledge without digesting it?"
>
> "Dr. Dasent: I do not think so; I think that it is the examiner's fault if he is taken in by cramming."

He now came to the second part of his subject—the examination for entrance at Woolwich. At present there were 15,500 marks, of which 2,500 were required. The respective numbers were—Mathematics, 3,500; English, 1,000; Latin, 1,500; Greek, 1,500; French, 1,000; German, 1,000; Hindustani, 1,000; English history, 1,000; geography, 1,000; chemistry, heat, electricity, 1,000; mineralogy and geology, 1,000; drawing, 1,000—15,500. The proposed examination would be 17,000 marks, thus arranged—Mathematics, 4,000; English composition and literature, or English composition and history, 1,500; Latin, 3,000; Greek, 2,000; French, 2,000; German, 2,000; chemistry and heat, or electricity, 1,500; drawing, 1,000—17,000. Thus, omitting drawing, 14,500 marks out of 16,000 are given for languages and mathematics. There is no geography, no history excepting English, no political economy, and very little modern science. In fact, there was hardly anything that had been discovered within the last 1,800 years. The Commissioners said they wished to discourage cramming, and, no doubt, cramming was very undesirable in itself; but there was something worse than cramming, and that was ignorance. Cramming was a bad way of learning a subject: but it was better than learning nothing of the subject at all. It was said that the example of the public schools was being followed in respect of those military examinations; but he had already shown that the public schools were beginning to teach natural and experimental science. He had the express testimony of the masters of the great public schools at Eton and Winchester that, if the scheme of the Commissioners were carried into effect, it would strongly tend to discourage their promotion of scientific instruction. Like Lord Chatham and Sir Richard Strahan the public schools had been waiting for the Universities, and the Universities had been waiting for the public schools; both, he was happy to say, were now moving in the right direction, and it would be very unfortunate if Parliament sanctioned the recommendations of the Military Education Commissioners, who desired to take a step backwards. He now passed to the course of instruction at Woolwich. The present subjects were—fortification, artillery, surveying, mechanics, natural philosophy, chemistry, and military history. The proposed subjects were—obligatory—mathematics, fortification, artillery, military drawing, military history, and mechanics; voluntary—higher mathematics, fortification, Latin, Greek, French, German, chemistry, and free-hand drawing. At Sandhurst, the proposed course of instruction was the same as at Woolwich; but the present course was—fortification, surveying, military history, mathematics, language, chemistry, geology, drawing, military exercises. Here, again, science was placed in a much worse position than at present. Chemistry, indeed, was admitted among the voluntary subjects; but, while marks were given for every other voluntary subject, none were allotted to chemistry. It was suggested to him that this was an accidental omission; but as the same omission was made in the Sandhurst course, he could not think it was accidental. In the proposed course there was hardly any English, no history except military history, no geography, no science except mechanics, no political economy, and no medical knowledge. At Sandhurst, there was geology, but there was none at Woolwich. It was strange that the subject should be omitted, seeing that it was of such great importance, and that military men—he need only mention Portlock and Murchison—had laboured in it so successfully. The "bookworm" objection did not apply to the science, for to acquire it a man must do something more than read books. He would call the attention of the House to answers given by Major General Napier and the Duke of Cambridge on the value of scientific attainments. Lord De Ros asked Major General Napier—

> "Is not chemistry becoming of more daily advantage and importance, both to the Artillery

and to the Engineers? He answered—Yes; and it is taught at Woolwich very successfully. The Duke of Cambridge was asked—Perhaps scientific attainments should be regarded as one qualification among several? His Royal Highness replied—Most assuredly; and I should like to see them extended as much as possible; but I think that a happy combination of both is what we should strive at."

As regarded geology, he might call attention to two or three cases, in order to illustrate its importance to officers. Portsdown great fort was built on the summit of a chalk ridge, on what geologists called an anticlinal axis. The strata sloped in each direction away from the summit; a very deep well had been sunk here; but as the rain which fell on the hill drained away along the line of the strata, this was the worst possible place for such a purpose. When the military authorities were building the College at Sandhurst, they had a quantity of bricks made in the Blackwater Valley of river alluvium. These consequently fell to pieces, and others had to be made. Along our South Coast groins were placed to arrest the movement of the shingle caused by the prevalent winds and tides. The Military Engineers were ordered to set groins on the Dover coast, and they slanted them the wrong way, so helping the shingle on. Some of the forts on our Southern Coast having been built on yielding strata had given away, and though the damage might be repaired, it had caused great expense; and, unfortunately, would probably continue to do so. When our Army went to the Crimea, Sir Roderick Murchison applied to the Government to send out a geologist, but that request was not complied with. An unhealthy position was chosen for our troops in the Crimea from the want of a scientific acquaintance with the geological conformation of the ground. Sir John Burgoyne wrote home to Sir Roderick Murchison to ask whether, if an artesian well were sunk, a supply of water could be obtained for the Army. Sir Roderick replied that it was impossible to answer such a question here without a proper knowledge of the nature of the ground; but that if there had been a geologist on the spot with the Army, he would have been able to answer it. He (Sir John Lubbock) did not allude to these facts with any view of criticizing the Royal Engineers. It would be easy to quote similar mistakes on the part of civil engineers. He wished, however, to show the importance of geological knowledge in military operations. There could be no doubt, then, that there were cases in which a knowledge of chemistry and geology would be extremely useful to our forces in the field; and, moreover, in addition to these practical advantages, the value of the mental training given by the study of natural science was most important. One reason alleged for omitting science from the course for Woolwich was that the work was too hard; but Dr. Barry, Principal of King's College, Major-General Simmons, Colonel Owen (Professor of Artillery), Professor Sylvester, and other authorities, all agreed in saying that the studies at Woolwich were not at all too severe. Captain Brackenbury, Assistant Director of Military Studies, even said—

"I have heard lately at Woolwich that some of the young officers have even complained that they have so little to learn."

But if the studies were really too hard, surely the course should be lengthened instead of being shortened, as proposed by the Commissioners. Then, what was a proper system to adopt? By his Resolution he only asked that they should leave things in *statu quo* as far as science was concerned; but he confessed he should be glad to see a large step made in a direction the opposite of that recommended by the Royal Commissioners. No man could be deemed properly educated unless he had some acquaintance with all the great departments of human knowledge. He was not advocating the teaching of a smattering of those different departments of knowledge, but the well-grounding of students in them. The matriculation examination in the University of London showed that to be quite possible; for those who came up to that examination, the subjects required included arithmetic, algebra, geometry, the first four Books of Euclid, mechanics, hydrostatics, hydraulics, optics, chemistry, Greek, Latin, French, and German. [*Laughter.*] That examination appeared to be a source of merriment to some hon. Gentlemen, who probably thought it extremely difficult. He frankly owned that it was a severe examination; but it had been arranged after very careful consideration, and no fewer than four members of the Cabinet were also members of the Senate of the University of London, Moreover, that examination was evidently not so absurd as it seemed to some hon. Gentlemen, for of the youth of 16 and 17 who went up for it, more than 50 per cent passed creditably. He did not wish to discourage classics, and he maintained that, even in this respect, our present system was very unsatisfactory in its results; indeed, it is impossible to teach them with advantage as long as other things were not taught with them; for the human mind, like the human body, required a variety in its nourishment. He certainly thought that too much time was devoted to verses. Here were four of the verses set for the boys to turn into Latin—

> "Thou, midmost of our world, I narrate wonders,
> Rulest stars, lest they should wander, laws being broken."

And again—

> "The fiery steed, his tail in air proudly cocked,
> Not without much neighing, traverses glad pastures."

Such lines would be familiar to all hon. Members who had been educated at our public schools; but no man would ever be made a poet by translating such verses into Latin. Many of those who were reported to be dunces, and who thought themselves to be so because they did not get on in classics, if they were allowed a chance in science would be found to equal those who now went ahead of them at school. He quite agreed with Mr. Farrar, that the present system of teaching classics was an entire failure, and that, as Milton said—

> "We do amiss to spend seven or eight years in scraping together so much miserable Greek and Latin as might be learnt otherwise easily and delightfully in one year."

Three or four hours a week devoted to science would probably be sufficient, and he maintained that, far from interfering with the classical studies, this variety of mental diet—if he might say so—would have an excellent effect on the mind. Not only would some knowledge of science be obtained, but he believed that Latin and Greek also would be much more thoroughly mastered than they now are. Lastly, he would trouble the House with a few remarks on the military educational system of other countries. Captain Hozier, who had an intimate acquaintance with the Prussian system, in answer to Lord Dufferin, expressed a decided opinion that Prussian officers were better educated than ours. Again, Lord Dufferin asked Lord Walden—

> "You have a large acquaintance with foreign countries where that system of military education principally prevails, and from what you know, without pre-supposing a very intimate acquaintance with those institutions, are you inclined to think that they have a tendency to give a higher scientific tone to the officers of foreign armies, than that which is possessed by our own officers."

Lord Walden, in reply, said—

> "I certainly think so, because they teach much we do not teach."

Turning to France, what was the course at the Ecole Polytechnique? There much more weight was attached to natural science than was the case at the entrance examination for Woolwich. The instruction, besides the other branches of study, included mechanics, physics, heat, electricity, chemistry, and astronomy. Out of 673 lectures given in the two years at the Ecole Polytechnique, 150 were devoted to scientific subjects. Again, in Prussia, at the Artillery and Engineer School, of the 32 hours per week three were given to study in physics and three to chemistry. At West Point, in the United States, natural philosophy, chemistry, and geology held an important place in the course of study and in the examinations. To sum up, the general result of the Report of the Commissioners appointed to examine the Systems of Military Education pursued in foreign countries, was to this effect—

> "We should not, indeed, adequately convey our own impressions, which are founded on a careful study of the schools described in this Report, if we did not at once state our belief that in all the countries we have visited a far greater value is attached to the possession of a high scientific training by at least a considerable portion of the officers of the Army, than is the case among ourselves. Not only are the schools made of more importance, the teaching of every school higher, the discipline apparently more strict, the number of teachers generally greater; but the whole of the education is conducted on a more complete system."

In support of this resolution he would quote one more authority who, he was sure, would carry great weight with the House. He meant His Royal Highness the Duke of Cambridge who said—

> "I think that Woolwich is now going on as satisfactorily as it can well do; and I am satisfied that if it is allowed to go on without interruption you will find that, both in discipline and in every respect, it will go on as satisfactorily as the public can require, or as the interests of the public service demand."

In conclusion, he had attempted to show that the examination for commissions is at present very easy; that the course of instruction in our military educational establishments is not unduly severe; that the time devoted to science under the present system is very limited; that a knowledge of science is extremely valuable in military operations; and that foreign armies have a better scientific training than ours. He, therefore, hoped the House would agree to the Resolution which stood in his name, because, if the recommendations of the Commissioners were carried out, they would lower the standard of education throughout the Army, would affect most prejudicially all public and other schools, and were in entire opposition to the tendency of all recent action in reference to general education. After thanking the House for the patience with which it had listened to him, the hon. Baronet concluded by moving his Resolution.

DR. LYON PLAYFAIR, in seconding the Motion, said, the Motion involved such important interests, both to education and to the Army, that he was glad his hon. Friend had brought the subject under the attention of the House. As he had explained, the Royal Commission desired to prevent candidates from "cramming" for entrance into the Army, and with this view they recommended the Government to place a greater reliance on the public schools of England, and on the classical subjects to which they were, until recent years, chiefly confined. These classical subjects they promoted with heavy marks, and proportionately depressed the modern languages and sciences, which had lately shown a tendency to take root in our old schools. The first question that presented itself naturally was, whether the public schools really did supply the largest proportion of officers to the Army; and next, whether this justified the Royal Commission in according to them an altogether exceptional favour, by handicapping the private schools. Now, in point of fact, the public schools sent only a small proportion of officers to the Army, either directly or indirectly. Directly, indeed, they sent less than 5 per cent; and if Cheltenham and Marlborough were excluded—both of which schools had modern departments—positively only 3 per cent of our officers came directly from the great classical schools of England, while 97 per cent went from other schools which were found to be better suited for their training. Yet this Royal Commission gave uncommon favour to the schools sending 3 per cent, to the great disadvantage of all the other schools which supply 97 per cent. What was the reason for this strange proceeding? It was contended that officers who went directly into the Army were youths without literary tastes, and who should be forced, therefore, to attend more closely to the few subjects taught in public schools, and not be induced to cram themselves with other subjects of modern information. It did not seem to have occurred to the Commissioners that the very fact of their not possessing literary tastes might justify their acquirement of other kinds of knowledge more suited to their minds. It was surely true that, since the periods of Greece and Rome, there were subjects of human knowledge that had been added to the world, and which were not to be found in their literature, glorious as that was. The Council of Military Education, reporting this year, said—

> "Great progress has been made since 1864 in the obligatory section of mathematics, and in history, experimental sciences, and drawing; and no change of importance has been made in regard to English, Latin, or German."

But the Commission determined to discourage those studies which showed marked signs of improvement. Well, when they found 97 per cent of our future officers going to schools which promoted the study of such subjects, one would have thought that this was a reason for encouraging rather than discouraging them. But no! the Commissioners had such a horror of "cramming," that they were determined to put it down by largely favouring the schools which certainly did not cram. What was "cramming?" "Cramming," in education, was to teach very quickly what ought to be taught slowly. But, surely, there might be too slow as well as too quick teaching. The indirect passage from public schools into the Army showed that this was the case; for, although only 3 per cent came directly from them, 16 per cent went indirectly—that was, after availing themselves of the quicker methods of tuition given in private schools. This did not arise from the necessity of additional subjects being required to those taught in public schools;

for, with a strong leaning to them, the former scheme was arranged after a conference between the military authorities and the head teachers of these schools. General Napier, the Vice President of the Military Council of Education, after explaining this, was asked—

> "So that in truth a knowledge of arithmetic, of English, and of Latin would be quite sufficient to enable a youth to pass?—Certainly."

Yet this small amount of knowledge could not be communicated to four-fifths of the candidates who desired to go from the public schools to the Army! If "cramming," to which they resorted for aid, were to teach too quickly, there might be some mean between that and teaching too slowly. There was that mean in many excellent private schools, which were in no degree subject to the imputation of "cramming," but most of which would be crushed by the adoption of the recommendations of this Commission; for it was not the fact that the modern subjects were taught badly in them when compared with classics in public schools. This was shown in the Report of the Council of Military Education, for they gave a table of passes described as "good and excellent," including in those terms all candidates who obtained more than 50 per cent of marks in the subjects selected by them. This gave a ready means of measuring the effectiveness with which various subjects were taught. Well, in 1867 less than 11 per cent of those who selected classics passed well, while 57 per cent did so in modern languages, and 27 per cent in the sciences. He contended, further, that the Royal Commission had mistaken the purport of the evidence of all the educationalists who were examined by them. They examined the Bishop of Exeter, as late Head Master of Rugby; Dr. Barry, as late Head Master of Cheltenham; and Dr. Benson, the Master of Wellington College. Not one of them depreciated the importance of the modern subjects of education, or unduly exalted that of classics. The most that they said was that, on the whole, they thought there was a better intellectual training on the ancient than on the modern side of public schools. That was possible, and indeed probable; for experience in teaching classics had been stored up in schools since the revival of letters after the Middle Ages, while modern subjects were, for the first time, obtruding themselves into these ancient systems, and were but organizing the best methods for using them as means of intellectual development. Yet, so far as military officers were concerned, the figures which he had quoted showed that modern subjects seemed better fitted for them than ancient studies. It remained for the Commission to favour the one for reasons which he could not discover in the evidence laid before them. The distinguished educationalists who gave their evidence had all recently introduced natural and physical sciences into their schools of Rugby, Cheltenham, and Marlborough. At Eton, Harrow, and Winchester, also, they were introduced and encouraged. Yet, in the face of these facts, this Commission gave to them the most positive discouragement. For direct commissions in 1868, classics had 26 per cent of marks—the Commission raised them to 35 per cent; while science in the former year had 17 per cent of marks, and the Commission depressed it to 9 per cent. For entrance into Woolwich in 1868, classics had 19 per cent of marks, and the Commission elevated them to 30 per cent; while science had 17 per cent, and was now lowered to 7½ per cent. Yet, in reality, about as many candidates took up science as take up Greek; so that there was no apology from paucity of numbers, for while 27 per cent selected Greek, 28 per cent selected experimental and natural sciences. He had studied the Report with diligence to find justification for these strange alterations. He had shown that it was not to be found in the fact that officers were chiefly supplied from public schools, and that it was not to be found in the relative excellence with which classics and modern subjects were taught in schools, whether public or private, and that it was not to be found in the evidence of the Head Masters examined. He had looked for the cause, therefore, in the constitution of the Commission, and in the convictions of some of the Commissioners, as indicated by their questions. The Royal Commission was constituted of military men and persons interested in education. Of the latter only those were included who were known to be strong advocates of classical education. One was the hon. Member for Perthshire (Mr. Parker), a real lover of education, but whose sympathies were far more classical than scientific. The other was the Head Master of Harrow, who was an excellent choice. But while objecting to neither of these members, he must express his surprise that not a single civilian acquainted with natural or physical science was placed on that Commission. Whatever might be the views of the Commissioners as to classics, some of them had the strangest notions of the nature of science. One gallant Commissioner put the following question to General Napier:—

> "Do you not think that the marks allotted to natural sciences and experimental sciences are too high, they being mere matter of memory?"

His (Dr. Playfair's) impression of science till he read this passage, was that its object was to discover and explain the wonderful wisdom displayed in creation, and to reveal to mankind the infinitely wise laws which govern the universe. But to this gallant Commissioner all this was a mere matter of memory, and the Creator's laws were like the pratings of a parrot. He had not the slightest objection—on the contrary, he entirely approved of classics being one portal to the military service. His only objection was that, while the Commissioners had opened this very widely, they had nearly shut all the other portals. This was a mistake sufficiently serious in regard to direct commissions; but it became absolutely pernicious to the service when applied to the scientific branches of the profession. The candidates for Woolwich did not come from the old public schools of England; or, to speak precisely, in ten years, out of 855 entries, only five students came direct from them. On the other hand, nearly one-third went from the modern department of Cheltenham. The staple of education there was mathematics, drawing of all kinds, the natural and physical sciences, French and German, English, fortification, and surveying. Well, with this great success of a particular school, one might have thought that such subjects would have commended themselves to the Commissioners; for it was as clear as noonday that they were admirably fitted for the future occupation of artillerists and engineers. Yet their recommendations would largely discourage such preparatory training. In the entrance examinations to Woolwich no less than 5,000 marks were offered for Latin and Greek, and only 1,500 for the whole of the experimental sciences; while the natural sciences, taught so successfully at Rugby and Cheltenham, were in future to have no marks at all. But the House might think that though the Commissioners thus discouraged any special preparatory training before entering the scientific academy of the Army, they would especially foster the sciences when the students entered it. Not in the least. Beyond mathematics, ending with the low standard of plane trigonometry, and practical mechanics, there was no science which was to be obligatory in Woolwich; and the only sciences which were voluntary were higher mathematics and chemistry. But, even then, when in the following page the marks were given to voluntary subjects, chemistry, the only physical or natural science to be taught in the Academy, was left without any marks whatever, though Latin and Greek were again remembered with the same loving favour. All this would be singularly ludicrous, if it were not so serious in the interests of intellectual progress, and to the character of the scientific services of the Army. The original scheme of entrance examinations into the Army was a wise and liberal one, and had been steadily kept in view by the Council of Military Education. It was to undervalue no branch of human knowledge, but to give the freest access to all varieties of intelligence and education. If any alteration in what the French term "co-efficients of influence" in education had been considered advisable, they might have expected that this change would have been made in the light of modern improvements in the art of war; for it was notorious that this art was undergoing a revolution by the discoveries and applications of science, especially by those of mechanics, chemistry, and electricity. The old Trojan, Grecian, and Roman heroes, a knowledge of whose prowess and language was now to be the chief portal for entering our Army, won their battles by physical endurance and personal courage; but Chassepots, Sniders, revolvers, and Whitworth small cannon, firing their ten and twenty shots in a minute, and electricity flashing the higher commands to distant parts in less time than a trooper charged with an order could tighten the girth of his horse, would alter the old tactics which enabled a British soldier to be irresistible in a bayonet charge. ["Oh, oh!"] Hon. Gentlemen dissented from this view; but this was so in every other art, and war was not likely to be an exception; for animal courage and brute strength were becoming of less importance than skill and intelligence applied to the discoveries of science. Pluck in the British soldier was constant but stationary, while science was changing and progressive. In the art of war, as in the arts of industry, they found that other nations were awake to this change, and were preparing their officers to meet it. But, while they were awake, this Royal Commission advised our officers to go to sleep on antique Greek and Roman beds, which had never been made anew, but remained the same as when their original occupants left them. While our public schools were loosening themselves from their old traditions, this Commission tried to dam up our officers outside the current of events which was carrying all other people rapidly onward. The Resolution of his hon. Friend was studiously moderate; but it gave them the opportunity of showing that if this be, as it was recently called by his right hon. Friend the Member for North Devon, an age of Royal Commissions, it was an age also in which the representatives of the people could criticize and pass judgment on the opinions pronounced by any body of Royal Commissioners, when these appeared to be prejudicial to the public welfare.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is not desirable to diminish the value hitherto attached to natural and physical science and the English language, in the examinations for direct commissions, and for admission to the military educational institutions, nor to lessen the importance of those subjects in the subsequent course of instruction and examinations,"—(*Sir John Lubbock,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD EUSTACE CECIL said, he desired to congratulate the hon. Member for Maidstone (Sir John Lubbock) on his first address in that House, and he also begged to express his acknowledgments to the hon. Member for the Universities of Edinburgh and St. Andrews (Dr. Lyon Playfair) for the very educational speech with which he had favoured the House. It must be a matter of peculiar congratulation that the subject of military education had had the advantage of being sustained by the oratorical artillery of those two hon. Gentlemen. At the same time he must say that he could not agree with them, and he did not suppose that they expected he should; but he thought he would be able to put before the House some of the reasons on which the Royal Commissioners had come to the decision which the hon. Members found fault with. In the first place, the hon. Members complained that with respect to the entrance examinations for direct commissions for Sandhurst and for Woolwich natural science was altogether eliminated. The fact of the case was, that in regard to those entrance examinations the only thing the Commissioners recommended was that geology and mineralogy should be omitted. The experimental sciences would still be retained as they were before; but the examination would be improved by being divided into two branches, chemistry and electricity, an option being given to the candidates to prepare themselves in either. Then, as regards the course of instruction at Woolwich, chemistry and mechanics had alone been retained; and the Royal Commissioners were not answerable for the exclusion of geology, as that was excluded two years ago. In the Sandhurst course chemistry had been excluded, and experimental physics and military accounts and correspondence substituted. This decision was come to because the Commissioners thought it was quite impossible that the cadets—young men of a certain age—should be able to make themselves perfect in so many subjects. This was really at the root of the whole matter. Man's life was limited, and it was quite impossible, in the time allotted to young men to prepare themselves for the military or any other profession, to be able to go through the curriculum which had been sketched out that night. Some allowance should be made for the manifest imperfection of the human mind and body. It was quite impossible for young men to become Admirable Crichtons in the course of two short years, and if it were attempted to make them so it would be found that they would only turn out admirable dunces. He would now turn to the matter of the public schools, and he admitted that there was a strong feeling on the part of the Commissioners that as much encouragement as possible should be given to the public schools. This was done on very good evidence. The Commissioners heard the evidence of many general and commanding officers, one of them a Member of that House; and the effect of their evidence was that the public schoolboy, as an officer, was second to none in all the battles in which the British Army had been engaged. It was not, therefore, to be wondered at that the Commissioners should have given the preference to public schools rather than to private institutions. The hon. Member for Edinburgh University had said a good deal about preparatory schools; but for his part he must say that what were called preparatory schools were composed of a certain number of young men sent to private tutors, and they hardly deserved the name of preparatory schools, but might be more properly termed "cramming schools." With regard to the public schools, it was, as he before said, the wish and desire of the Commissioners that encouragement should be given to them, and that could only be done in one way. It was well known that Mahomet once desired to reach a certain mountain; but as the mountain would not go to him he found it necessary to go to the mountain. That story might be applied to the case of the public schools. The Commissioners found that they could not make the public schools meet them halfway, however much they desired it, and, therefore, they had to go to the public schools. It was an undoubted fact that a very large proportion of the candidates for commissions invariably came from the public schools, and the only course open to the Commissioners under these circumstances was to adapt the examinations for Sandhurst and Woolwich to the subjects taught at the public schools. They had the advantage of the advice of one of the Royal Commissioners who, it was well known, took the greatest interest in education—namely, Dr. Butler, of Harrow. A certain amount of evidence had been brought under the notice of the House by the two hon. Members who had spoken; but he noticed that both of them made use of the same witness. They did not instance any other military man of distinction except General Napier, and they brought the authority of his name forward to prove the same conclusion; but the fact was that when that gallant officer's evidence was examined it would be found that, far from bearing out the views put before the House, it proved directly the contrary. The opinion of the Commissioners that the course of instruction at Woolwich, Sandhurst, and the Staff College Institution was not sufficiently practical, was borne out by the Duke of Cambridge, General Napier, Colonel Addison, Colonel Porter, and many others. The Duke of Cambridge expressed his opinion that geology and physics might be well omitted at Sandhurst for the sake of riding; and Colonel Porter said that though chemistry and geology might be very good for Staff officers, they were not necessary for ordinary officers. Colonel Field, Inspector of Studies at the Royal Military Academy, said—

> "I attach no great importance to the study of chemistry, natural philosophy, geology, and mineralogy before entrance. If desirable they could form optional subjects of examination; but the knowledge acquired would probably be so superficial that not much real value in an educational point of view could be attached to it."

Major Adams, Professor of Military History at Sandhurst, said—

> "It is my opinion that the course at the Staff College, considering its duration, should be altogether restricted to the compulsory subjects mentioned in Paragraph 26, General Order."

Captain Crealock, 95th Regiment, said—

> "Geology and chemistry may form part of a liberal education, but I cannot see the necessity for their being included in the military course of instruction for a Staff officer; as at present credited in examinations, they form an inducement for students to neglect other important studies."

Lieutenant Colonel Wilson, Professor of Military History at Woolwich, said—

> "The three subjects last named — mechanics, chemistry, natural philosophy — have been raised in importance. More time has been appropriated for them, and marks are given. I doubt whether this has been altogether an improvement. In fact, considering the nature of the last two of these subjects, and the general inability of youthful intellects to grasp and master them, especially when fairly occupied with other matters, I think too much has been attempted, and that the time given to them might be reduced with advantage. Two years ago geology was also on the list of subjects. Its omission and replacement by military history was a wise step, not only because of the value of the latter subject to military students, but also because little good came of the former."

Lieutenant Colonel Porter said—

> "I do not think that for the education of an ordinary officer many of those subjects are necessary—for instance, chemistry and geology. I think that chemistry and geology, though very good for a Staff officer, are not necessary for the education of an ordinary officer."

Canon Heaviside said, with regard to Woolwich—

> "I think the cadets might get enough of the elements of mechanics, and so on, for their profession without being forced to the extended line of reading which they now have at Woolwich."

Then as regarded cramming, a young officer had, when asked if he was crammed in any particular subject at a crammer's before going to Sandhurst, answered — "Yes, in natural philosophy, chemistry, and geology." Lieutenant Baring, who had just passed through the Staff College the first of his list, said—

> "I think that geology might with advantage be entirely done away with, as well as a certain portion of chemistry. For instance, telegraphy, I think, ought either to be taught at the College, or else officers should be sent to Chatham to go through a course of it; but I look upon all the time spent in analyzing compounds in the laboratory as wasted — *i.e.*, a man's time might be more usefully employed."

Some remarks had been made as to the inferiority of our officers to foreign officers. He begged leave to differ *in toto* from what had fallen from the two hon. Gentlemen on that subject. It was quite a mistake to suppose that the acquirements of French and Prussian officers were greater than those possessed by our Staff College officers. At St. Cyr, which furnished two-thirds of the officers of the French Army, neither geology nor experimental science were required, nor was geology taught at all there. The Polytechnique was a preparatory and generally scientific school; but it could not in any respect be called an exclusively military school. It was half a civilian school and supplied the best civil engineers. A large number of the *savans* of France were educated there. Then, with regard to Prussia—in the cadet schools (not competitive), the nearest approaching to Woolwich and Sandhurst, two hours weekly were only given to physical science, and it did not appear that geology or chemistry were taught at all. Formerly, subjects such as German philosphy and chemistry were taught; these studies had, however, been gradually dropped, from a wish to make the course of instruction more strictly professional. In the Artillery and Engineer Schools for officers after entering the Army, the instruction in physics and chemistry was only three or four hours weekly. In the War Academy, answering to our Staff College, chemistry, geology, and physical science were all taught, but they were optional subjects. Considering this state of things abroad then, and the evidence brought before them at home, the Commission had, if anything, unduly favoured scientific instruction. For what was the case? In the after instruction of Artillery officers there was a course at the Arsenal. Experimental sciences had been included in the entrance examination at both Woolwich and Sandhurst. The Commissioners desired to do justice to the experimental sciences as far as they could; but they believed that the other sciences in a military point of view, were far more important. They felt that if a student who came up from a public school had acquired the ordinary education of an English gentleman it was quite sufficient in the first instance, and his future education in professional subjects might very well be relegated to the Staff College. No change of any importance had been made in the general course of study in the Staff College. He would not go into the subject of marks; that was a mere matter of detail, and could always be altered at any moment. He might, however, say that, whereas in the examinations for direct appointments, before the Commission was issued, the marks were as follows:—3,600 for mathematics and 1,200 for science—now they were 4,000 for mathematics and 1,500 for science; so that it would be seen that they had increased the marks for the latter subject in greater proportion than for the former, which constituted the foundation of all military education. He had to thank the House for listening to his explanations on this subject, which was a difficult one, particularly after dinner. It was not easy to answer two hon. Gentlemen who had got up their subjects so well; but he had done his best, and he hoped he had shown that there were at least two sides to a question. If the Commissioners did not come up to the ideas of the two hon. Gentlemen who had introduced this subject in the matter of natural science, they would, he felt sure, do them the simple justice to say they had shown every desire to promote the efficiency of the service and the advantage of those military institutions in which they all took so much interest.

Mr. CARNEGIE said, he had hoped to hear from the noble Lord (Lord Eustace Cecil) some good reason for the prominence given by the Commissioners to classics in military education. He thought that classical studies were of all others those least likely to be helpful to an officer in his profession. No doubt a commanding officer would, if possible, like to get his officers from a public school; but he believed that the 16 young gentlemen who so gallantly distinguished themselves on the river on Wednesday would be preferred to any 16 senior classics. If the Commission on Military Education wanted to get public-school men with some "go" in them, why not state so at once, and give a certain number of marks to games and athletic exercises? In training for such sports the competitors had considerable trials to undergo; and they learnt to obey and command, which were the most important duties of a soldier.

Captain F. E. B. BEAUMONT said, he wished to make a few remarks on this subject, after 18 years' service in a scientific corps. He considered the gist of the Report of the Commission to be to give increased value to classics, and a decreased value to scientific education. The reason of this was that they wished to handicap private schools, and to give a certain amount of encouragement to public schools. In his opinion, it was a great mistake to mix up the question of private education with that of the education of the Army. We were living in an essentially progressive age, and many considerations which, some time ago, would have been entitled to great weight had now lost much of their force and efficacy. He regretted to say that his education in classics had been much neglected, two or three easy pages of Cæsar forming a passport at the time he entered the Academy at Woolwich; but in his professional career he had never found the want of further classical knowledge, whereas he had been distinctly conscious of deficiencies in mathematics and other branches of scientific instruction, and in modern languages. Objection was taken to the statement that the pluck of the British soldier was less relatively than it used to be; but such must necessarily be the case, for the pluck of the soldier remained the same, while science was advancing around him. He did not, however, endorse the opinion that the victories of the Prussian Army were mainly due to the intelligence of the troops, for he believed that the needle-gun had most to do with it; but this was only the same argument in another form; for the invention and manufacture of needle-guns was a thing wholly apart from the pluck of the soldier. We should be making a great mistake if we attached exaggerated importance to classical education, which affected social position, to the neglect of technical education, on a right understanding of which the professional success of officers depended.

Major DICKSON said, the natural modesty of the hon. and gallant Gentleman who had just sat down did not permit him to repel the attack made by the Mover of this Resolution (Sir John Lubbock) upon the corps of Royal Engineers, though it was plain that the history of the corps had been ransacked to discover any errors they had committed. The hon. Baronet had talked about the manufacture of bricks and the want of acquaintance with geology on the part of the Engineers. Had he ever taken a walk on the terrace of the Houses of Parliament, and made any reflection on the want of geological knowledge which it was possible for civilians to exhibit? Without going very deeply into the subject, there was another instance which might be adduced—the pillars of the Holborn Viaduct were already cracked. To throw all the blame upon military engineers, therefore, was not quite fair. It was suggested, too, that if Lord Raglan had possessed a knowledge of geology he would have chosen the north side of Sebastopol instead of the south. Lord Raglan would have been very glad to advance at once into Sebastopol; but as the French General would not allow this to be done, Lord Raglan had no course open to him but to make his celebrated flank march to Balaklava, without which he would not have possessed a base of operations. What had a knowledge of geology to do with that? As regarded the Infantry and Cavalry branches of the service with which he had been more intimately acquainted, he had been unable to write down all the subjects in which the hon. Baronet wished the officers to be instructed; but he was quite certain that if they wanted to learn them all officers would not enter the service till they were 30 or 40 years of age. These things might be carried much too far. Many qualifications were required in a soldier other than those which were purely intellectual. A soldier must be prompt, energetic, quick to see an opportunity and to turn it to account. If he were going into action and were compelled to make a choice between an officer possessing high intellectual attainments and one who was simply active and intelligent, he should undoubtedly prefer the latter. He had no hesitation in saying that it would be better to go into the hunting field for officers, or to take the elevens of a cricket match, rather than to select men whose minds were crammed with all the "ologies." Instead of increasing scientific education, the useless system of competitive examinations at Chelsea ought to be abolished. Young men before entering the service crammed themselves with knowledge, which they forgot in two or three weeks after they had joined their regiments. On the other hand, a number of fine young men, the best materials that officers could be made from, turned their backs upon the Army because they did not like to go to Chelsea to be badgered for five or six days by a lot of civilians entirely ignorant of military matters, and examined upon subjects which could never be of the least use to them in the profession they wished to enter.

Mr. C. S. PARKER said, that as a Member of the Commission, he thought it might be well for him to explain to the House from what point of view the Commissioners had approached this question. The Commissioners had by no means overlooked the great importance of physical qualifications, and they also felt, looking to the great attention paid to such matters in Continental Armies, that English officers ought not to be behindhand in scientific acquirements. He congratulated the House upon the manner in which this subject had been introduced by an hon. Member so well qualified by his personal attainments in science to speak with authority; but the Commissioners, he maintained, had approached the question from a different point of view from that taken by the Mover and Seconder of the Resolution. The Commissioners laid down the principle that for entrance into the Army nothing more should be required than the ordinary liberal education of the country. It was not necessary to take up the time of the House by discussing the number of marks assigned to each head of this examination, for it might be stated generally that a competent knowledge of any class of subjects usually taught at schools would suffice to pass a candidate for a direct Commission. Similarly, in the competitive examination for entrance into Woolwich, liberal education alone would be expected; and marks were assigned not in proportion to the professional or intrinsic importance of each subject, but in proportion to the value of such knowledge of it as candidates were found to bring from school. In the Prussian Army, no doubt, there was a higher standard of scientific knowledge; but that was because science entered largely into the general education of the country; and the right course in England would be first to remedy this defect in the teaching of our public and other schools before we required scientific knowledge from the candidates for admission to the military service. For his own part, he had always been an advocate for enlarging in this sense the curriculum of our schools, and as a Public School Commissioner he would be ready to support his hon. Colleague (Sir John Lubbock) in promoting such reform. He had also urged upon Oxford and the other University that they should bestow the endowments at their disposal more liberally for the encouragement of the general science education of the country. That was where reform should begin—at the schools and Universities, not in Army examinations. In Prussia, where nearly the whole population must pass through the Army, military examinations had a great effect on the liberal education of the country; but in England, with our small professional Army, military examiners must be content to follow, not to lead. The other course had been attempted, and with what result? Why, that boys intended for the Army were now generally taken from the public schools, and sent to "cramming" establishments, where they learnt much that was mischievous, and little that was useful. That was not the right way to teach science; and he hoped the recommendations now called in question would go far to put an end to it. An attack had been made on one of the Royal Commissioners, as if he had said of science generally that it was a mere effort of memory; but no one, he believed, would be more willing than the gallant Officer, whose words were quoted, to accept the definition of science given by the hon. Member for the University of Edinburgh (Dr. Lyon Playfair). What Sir Duncan Cameron referred to was the smattering of science learnt by rote from little manuals, such as might be seen at almost any bookseller's shop. Another portion of the question related to the studies that were pursued after entering places of military education, and here the principle of the Commissioners had been not to cram too many subjects into a short space of time. The evidence had shown that it was desirable to diminish the pressure and distraction arising from a multiplicity of studies, and thus to enable the students to devote more time to those which would be of most advantage to them in the course of their profession. These were the principles of reform on which the Commissioners insisted as important, and which he trusted would receive very general approval. As to points of detail, he would venture to remind the House that we had now a Director General of Military Education. The corresponding officer in Prussia was assisted by a Council, called the Supreme Board of Military Studies, which was not of a permanent character, but merely met from time to time to assist the Inspector General with their advice. He did not know how far such a plan might be approved by his right hon. Friend at the head of the War Office, but now that they had lost the other members of the Military Council, it did seem to him that the Director General of Military Education should not stand alone, but that he should have from time to time, as special questions might arise, some recognized, if not official, aid, from those who from their special knowledge were best entitled to advise. He would, in conclusion, remark that the more detailed recommendations of the Commission were not proposed in the spirit of the laws of the Medes and the Persians. On the contrary, they were strictly relative to the present state of liberal education in the country, and were intended to be modified or changed as time and occasion might demand.

MAJOR GENERAL SIR PERCY HERBERT begged leave to differ from the hon. and gallant Officer opposite (Captain F. E. B. Beaumont), who had expressed his opinion that pluck and courage would not hereafter have the same value that they had at present in the British Army; for although pluck might be unequally divided between different armies, the distribution of education would be pretty even. He would, moreover, beg the House not to forget that the most important military actions in modern history had been determined by marching large bodies of troops against each other and delivering their fire at a distance of about 25 yards, and he was at a loss to conceive how on such occasions pluck and courage could be dispensed with. Another statement made was that the Report of the Royal Commission prejudiced the case of private schools as against public schools; but that, he apprehended, was not the case. What they had advocated was that officers of the Army should be allowed to enter from the public schools of the country, including in the definition of public schools not only the four or five aristocratic establishments now bearing that title, but any large and proprietary schools, without going through the cramming of tutors, and that proposal he trusted would be adopted by the Government.

MR. CARDWELL: Sir, before offering the few observations which I have to make upon this Motion, I may, perhaps, be permitted to add my congratulations, to those which have already been expressed, on the accession which this subject has received by the part which the hon. Baronet the Member for Maidstone (Sir John Lubbock) has taken in the discussion. I feel a confident hope that my hon. Friends the Mover and Seconder of the Resolution will not suspect me of having any desire to exclude or limit scientific instruction, or to view it with jealousy as compared with other education, for it happens that I have had the advantage of being associated at different times with each of them in the promotion of scientific studies. With regard to education in general, I entirely agree with the hon. and gallant Officer who has just spoken, and with others, that there is no kind of education which will make up for the want of natural gifts. An old proverb tells us that "an ounce of mother wit is worth a pound of clergy," and the natural qualities of intellect and courage will always be the foundation of the distinguishing qualifications of the British soldier. The true principle is to get the best educated of our young men to enter the Army. You must not disparage classics for the purpose of elevating science, nor must you disparage science for the purpose of elevating classics; but you must have a varied education. The Army is a microcosm, and ought to contain every excellence the country can afford; whether it be scientific excellence or classical excellence, it ought to find its natural position; and our examiners ought to address themselves in the widest manner to all the education of the country, and ought, as far as possible, to select for the Army the foremost pupils in every school. The rule laid down in both France and Prussia is precisely that which I think the House will desire should be adopted in the British Army; for, with regard to the first examination in which the cadets are to be selected, there should be only one object—to get the young men who are best in general education. I entirely sympathize with those who praise the public schools. If they educate in one line of training let there be an examination that will bring the best young men they produce into the Army, and if there are other schools devoting themselves to giving a more scientific education, let there also be an examination which will select the best of their pupils also. Our main object is not education, but the selection of the best men for the Army, and those two objects may, I hope, be happily combined; the judicious pursuit of the one will be the judicious pursuit of the other. But now I may have to regard the subject from a point of view different from that taken by my hon. Friends, who have looked at this subject as it bears upon the general education of the country, and as regards its tendency to encourage that education or otherwise. The Commission have rather looked at how we can best conduct the examinations so as to avoid having a false education imposed upon the service, and in that object my hon. Friends entirely sympathize, for they desire true scientific education, and not that science which is derived from a handbook that may be bought at a low price, studied in a few weeks, rapidly committed to memory, and forgotten as soon as the examinations are over. The gallant officer who was charged with having spoken of science as "a parrot cry" is one of the most distinguished men in the Army, and I do not understand that he spoke of science in its true sense, but that he rather alluded to that science which palms itself off for the amomentary purpose of a temporary examination. I will now state what are the objects I shall have in view with regard to this question, and what is the course that I have pursued and that I intend to pursue. In the first place, I have, as was recommended by the Commission, appointed as Director of Education that gallant officer General Napier, with whom my hon. Friends have expressed so much satisfaction. It is my intention to associate with him from time to time, for the consideration of any special questions that may arise, such persons as may be best calculated to assist our deliberations as to the various modes in which it may be desirable to conduct examinations in order to obtain those who have the greatest amount of real useful knowledge, and, above all, to consult the Civil Service Commissioners from time to time. I think the House will admit it to be a decided improvement that the first examinations should be conducted by the Civil Service Commissioners, instead of by special Commissioners, both on account of their great experience, and also because it is desirable that the young men who are to enter the Army should not be taught at that early period of their career to look to a separate and distinct course of examination, but that they should rather be taught to share with their countrymen in general that instruction and that training which are given to those who are destined for other professions. I trust that we shall in this manner be able to secure the objects which my hon. Friends have in view—namely, that of including the largest amount of training from all sources of knowledge—and that we shall also meet the desire of the Commissioners, which is to exclude fictitious acquirements. As to the number of marks, I wish my hon. Friends to distinctly understand that I consider we are not bound in the slightest degree to adhere to the details laid down by the Report; on the contrary, I think that the Commission, having given us a point from which to start, believed they had completed the task assigned to them. Our object is merely to test the efficiency of the education, and that subject will constantly be a matter for observation on the part of those who conduct our military education. I hope my hon. Friends are satisfied with the principles on which we intend to proceed, and if they are satisfied I trust they will permit us to go into Committee of Supply.

Sir JOHN LUBBOCK said that, after the explanation of the right hon. Gentleman, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

IRELAND—POLITICAL PRISONERS—CASE OF "GENERAL" BURKE.

OBSERVATIONS.

Mr. MOORE, who had given notice to ask the Secretary of State for the Home Department, Whether he will grant an inquiry into the case of General Burke, a political prisoner, and into the truth of the statement that the First Minister was instructed to make on that subject? said, it would be in the recollection of the House that, in reply to a Question he asked a few weeks ago respecting the state of mind and body of General Burke, a political prisoner, he received from the First Minister of the Crown a reply to the effect that Burke had been confined in Chatham Convict Prison; that up to the 9th of December, 1869, he was reported to be in good health of mind and body, and also well behaved; that on that day he was reported to be suffering from depression of spirits and loss of appetite, and that on the 12th of December he was transferred to the invalid prison at Woking. The right hon. Gentleman went on to say that, shortly after his arrival at Woking, he displayed signs of further mental disturbance, and that Dr. Meyer, who inquired into the state of his health, was of opinion that he was labouring under dementia at that time, but that he was not unlikely to recover—

> "Under these circumstances, it was quite right to relieve him from the ordinary treatment of political prisoners," the right hon. Gentleman said —"but I do not think the hon. Member himself will be of opinion that the case ought to be treated as one of permanently unsound mind to the extent of entitling such a person to an absolute release."

He was now in a position to state, on evidence which everybody would admit to be satisfactory, that the reply of the First Minister of the Crown was entirely inaccurate, and that its correctness could not be proved either in matter or in spirit. He was prepared to prove this if the right hon. Gentleman would grant him a Committee of Inquiry into the matter. He cared not who might be appointed to conduct the investigation. All he wanted was the appointment of a Committee, before which he might have an opportunity of producing his witnesses.

Mr. BRUCE said, the First Minister of the Crown had already announced that it was the intention of the Government to appoint a Commission to inquire into the allegations made with respect to the treatment of the Fenian prisoners. He was just now engaged in constituting that Commission. It would be constituted with the utmost care, and its members would be so selected that the public would repose full confidence in them. Two Irish gentlemen and two from England would be appointed members of that Commission, which would be presided over by a gentleman of high position. Among the cases inquired into would be that of the unfortunate prisoner Burke, No doubt Burke had, prior to the 9th of December, been sometimes out of spirits, and not in good health; but the first report of his being in a state of health to excite anxiety was on that day. He was at once removed to the invalid prison at Woking, which was one of the healthiest parts of England; and, on his showing signs of mental aberration, he was examined, not only by a surgeon on the establishment, but also by Dr. Meyer, a man of eminence in the medical profession. Dr. Meyer reported that he would probably recover mentally as soon as his bodily health was restored. The case of Burke, he might remark, was not one of an ordinary convict. When other Fenian prisoners had shown signs of mental disturbance, their sentences had been remitted; but Burke was concerned in the attempt to blow down Clerkenwell Prison—an attempt likely to cause the death of from 70 to 80 innocent persons. He was also one of the men who had, at that time, been lately released on account of what he hoped would prove to be temporary insanity. For these reasons, it was impossible for the Government to treat Burke with the same lenity as other prisoners. An inquiry should, however, be made, and he would undertake that the hon. Gentleman (Mr. Moore) should have every opportunity of proving his case.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

Mr. STANSFELD said, that a Vote on account, within certain limits, had become a matter of necessity since the abolition of the system of holding over a balance from one year to another. The sums voted for men in the Army and Navy Estimates were available for other items of expenditure in those Estimates, subject to the subsequent approval of the House of Commons; but as there was no such dominant Vote in the Civil Service Estimates, he was reduced to the necessity of asking for a Vote on account. The Vote on account had in its favour the fact that it simply committed the House to the expenditure of a limited sum of money on account of the Service, without determining the amount of any particular Vote; it left the House, in fact, as independent as if no Vote had been passed. But he wished to explain that the Vote he asked for was for about two months and a-half, which, though less than the ordinary four months' Vote on account of some years past, was more than the Vote on account taken during the last two Sessions. The very limited Vote of two months, however, had this disadvantage, it had to be supplemented by another Vote on account, before the Votes could be dealt with in full. Considering the amount of business before the House, he believed there was no reasonable prospect of being able to consider the Civil Service Estimates before the expiration of upwards of between two and a-half and three months, and he therefore asked for a Vote to cover that time—namely, for £2,323,000.

Mr. DILLWYN said, he did not object to the Vote, but that the amount fixed was larger than the necessity of the case required. The Civil Service Estimates were increasing in amount, and full opportunity of discussing them should be given. No doubt there was much business before the House; but these Estimates ought not to be delayed so late as July, when there was only a scanty attendance of Members. He therefore begged to suggest, as an Amendment, that the Vote on account should be reduced by the sum of £600,000, which would reduce it to two months' supply. If the hon. Gentleman found, at the expiration of the period which this Vote would cover, that the Civil Service Estimates would not be reached in time, no doubt the House would readily grant a further sum on account.

Mr. SCLATER-BOOTH said, it would not be to the convenience of the House, and certainly not to the advantage of the public service, that the Amendment should be carried. He had experienced the inconvenience of a Vote on account for two months. A Vote for three months would carry on the public service only to the month of June, and certainly some progress must be made with the Civil Service Estimates before the Vote on account was exhausted. The objection to postponing the Civil Service Estimates to a late period of the Session was a subject worthy consideration at a future time, but could not be urged as against this Vote. He therefore hoped the Amendment would not be pressed. With regard to the total amount, he might add that the Secretary to the Treasury was wrong in claiming a reduction in this year's Estimates, because, instead of comparing them with the Estimates of last year, he had compared them with the actual grants, without considering the Supplementary Estimates with which he would come to the House before the Session was ended; and he (Mr. Sclater-Booth) noticed that these Civil Service Estimates were, in fact, an increase as compared with those of the year before last.

Mr. STANSFELD said, he wished to remind the hon. Member for Swansea (Mr. Dillwyn) that this Vote ought to be sufficient to meet the requirements until some actual progress had been made with the Estimates. He agreed with his hon. Friend opposite (Mr. Sclater-Booth) in the opinion that the Estimates should be compared with the corresponding calculations of the original Estimates of the previous year; but he had simply followed the rule of those who had preceded him, including his hon. Friend.

Mr. DILLWYN said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Resolved, That a sum, not exceeding £2,323,000, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services, to the 31st day of March 1871: viz.

Class I.

Great Britain :—	£
Royal Palaces	8,000
Royal Parks	25,000
Public Buildings	30,000
Furniture of Public Offices	4,000
Westminster Palace, Acquisition of Land	12,000
Houses of Parliament	8,000
Public Offices' Site	4,000
New Home and Colonial Offices	20,000
Public Record Repository	9,000
Chapter House, Westminster	1,500
Sheriff Court Houses, Scotland	3,500
National Gallery Enlargement	5,000
University of London Buildings	4,000
Glasgow University	5,000
Edinburgh Industrial Museum	2,500
Burlington House	14,000
Post Office and Inland Revenue Buildings	38,000
British Museum Buildings	4,000
County Courts Buildings	15,000
Science and Art Department Buildings	10,000
Surveys of the United Kingdom	30,000
Harbours of Refuge	10,000
Portland Harbour	1,000
Metropolitan Fire Brigade	2,500
Rates on Government Property	9,000
Wellington Monument	250
Ireland :—	
Public Buildings	36,000
Ulster Canal	1,000
Abroad :—	
Lighthouses Abroad	4,000
Embassy Houses: Paris and Madrid	750
Embassy Houses and Consular Buildings: Constantinople, China, Japan, and Tehran	15,000

Class II.

England :—	
House of Lords, Offices	11,000
House of Commons, Offices	12,000
Treasury and Subordinate Departments	15,000
Home Office and Subordinate Departments	21,000
Foreign Office	16,000
Colonial Office	8,000
Privy Council Office and Subordinate Departments	12,000
Board of Trade and Subordinate Departments	25,000
Privy Seal Office	700
Charity Commission	4,000
Civil Service Commission	3,000
Copyhold, Inclosure, and Tithe Commission	5,000
Copyhold, Inclosure, and Drainage Acts Expenses	2,000
Exchequer and Audit Department	9,000
General Register Office	11,000
Lunacy Commission	5,000
Mint	10,000
National Debt Office	4,000
Patent Office	8,000
Paymaster General's Office	5,000
Poor Law Commission	50,000
Public Record Office	5,000
Public Works Loan Commission	1,000
Registrars of Friendly Societies	700
Stationery Office and Printing	100,000
Woods, Forests, &c., Office of	7,000
Works and Public Buildings, Office of	9,000
Secret Service	6,000
Scotland :—	
Exchequer and other Offices	1,000
Fishery Board	3,000
General Register Office	2,000
Lunacy Commission	1,500
Poor Law Commission	4,500
Ireland :—	
Lord Lieutenant's Household	1,500
Chief Secretary's Office	6,500
Boundary Survey	100
Charitable Donations and Bequests Office	500
General Register Office	5,000
Poor Law Commission	25,000
Public Record Office	1,000
Public Works Office	6,500

Class III.

England :—	
Law Charges	11,000
Criminal Prosecutions	60,000
Chancery Court	40,000
Common Law Courts	15,000
Bankruptcy Court	20,000
County Courts	50,000
Probate Court	22,000
Admiralty Court Registry	3,000
Land Registry Office	1,500
Police Courts, London and Sheerness	6,000
Metropolitan Police	54,000
County and Borough Police, Great Britain	50,000
Government Prisons, England, and Transportation and Convict Establishments in the Colonies	120,000
County Prisons and Reformatories, Great Britain	75,000
Broadmoor Criminal Lunatic Asylum	9,000
Miscellaneous Legal Charges	4,500
Scotland :—	
Criminal Proceedings	18,000
Courts of Law and Justice	14,000
Register House Departments	7,000
Prisons	6,000
Ireland :—	
Law Charges and Criminal Prosecutions	19,000
Court of Chancery	11,000
Common Law Courts	7,000
Court of Bankruptcy and Insolvency	2,000
Landed Estates Court	3,000

Probate Court	3,000
Admiralty Court Registry	500
Registry of Deeds	3,500
Registry of Judgments	750
Dublin Metropolitan Police ...	25,000
Constabulary	200,000
Government Prisons and Reformatories	12,000
County Prisons	11,000
Dundrum Criminal Lunatic Asylum ...	1,500
Four Courts Marshalsea Prison ...	650
Miscellaneous Legal Charges ...	2,000

Class IV.

Great Britain :

Public Education	200,000
Science and Art Department ...	40,000
British Museum	22,000
National Gallery	4,000
National Portrait Gallery	500
Learned Societies	3,000
University of London	2,000
Endowed Schools Commission ...	3,000
Universities, &c. in Scotland ...	4,250
Board of Manufactures, Scotland ...	500

Ireland :—

Public Education	120,000
Commissioners of Education (Endowed Schools)	200
National Gallery	500
Royal Irish Academy	400
Queen's University	800
Queen's Colleges	1,000

Class V.

Diplomatic Services	50,000
Consular Services	50,000
Colonies, Grants in Aid	12,000
Orange River Territory and St. Helena	1,000
Slave Trade, Commissions for Suppression of	1,000
Tonnage Bounties, &c.	7,500
Emigration	3,000
Coolie Emigration	250
Treasury Chest	4,000

Class VI.

Superannuation and Retired Allowances	100,000
Merchant Seamen's Fund Pensions, &c.	11,000
Relief of Distressed British Seamen ...	9,000
Hospitals and Infirmaries, Ireland ...	4,000
Miscellaneous Charitable Allowances, &c. Great Britain	1,500
Miscellaneous Charitable Allowances, &c. Ireland	1,500

Class VII.

Temporary Commissions	8,500
Local Dues on Shipping	11,000
Malta and Alexandria Telegraph, &c.	200
Flax Cultivation, Ireland	500
Miscellaneous Expenses	1,500
Total ...	£2,323,000

House *resumed.*

Resolution to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

CONVENTUAL AND MONASTIC INSTITUTIONS.

MOTION FOR NOMINATION OF SELECT COMMITTEE.

MR. NEWDEGATE said, he would beg to move that the Select Committee with respect to Conventual and Monastic Institutions, to be appointed under the Order of the 29th of March, be nominated by the Committee of Selection.

MR. CHARLEY seconded the Motion.

Motion made, and Question proposed,

"That the Select Committee on Conventual and Monastic Institutions be nominated by the Committee of Selection."—(*Mr. Newdegate.*)

MR. COGAN, in rising to move the Amendment of which he had given notice, to discharge the Order for the appointment of a Committee, felt bound, in the first place, to protest against the very unusual and, as he considered, most unfair course taken by the hon. Member for North Warwickshire in attempting to bring a Motion so important as this, which he knew would be opposed, and in which the deepest feelings had been excited throughout the whole Catholic body in the country—as was evinced by the Petitions which had been presented from all parts of Great Britain—at such an unreasonable hour as the present—half past one o'clock in the morning—when it would be impossible for the House to listen to a long debate such as the gravity of the question required, and when the speeches made would have no chance of being reported so as to enable the public to judge fairly of the grounds on which it was opposed. He had felt it his duty to ask the House to re-consider the vote which had been given by the narrow majority of 2 the other night, because he believed it did not really express the feeling of a majority of the House. The result on that occasion was wholly unexpected, and he defied the hon. Member for North Warwickshire to state whether he himself was not as much surprised at his majority as the rest of the House. The debate was a most peculiar one; and no one took part in it except the Solicitor General, save four or five Members who had always been notorious for their extreme views on these questions affecting Catholic rights. Many of the right hon. Members who sat on the front Opposition Benches had walked out of the

House, and refused to vote; and numbers on that side had actually asked Members on this side of the House not to join in the debate and waste valuable time, as the result would, of course be, that the proposal would be negatived in the same manner as a nearly similar one had been last year, when, after the hon. Member had addressed the House, no one replied to him—the House at once went to a division, and he was beaten. Under these peculiar circumstances, he asked a re-consideration of this question, to be arrived at deliberately, and after full debate on a matter so important, and in which the religious peace and concord of the future of the country, he believed, were seriously involved. He felt it was his duty, in the first place, to show that he did not ask the House, in re-considering a Resolution, to take a step which was not justified by precedent. He would only refer to a few instances to support the proposal he now made. In 1833, Sir William Ingilby carried a Resolution for the reduction of the malt tax by a majority of 10; it was reversed the week after on the Motion of Lord Althorp, by 238 to 76. In 1856 a Resolution on national education was carried by the right hon. Gentleman (Mr. Chichester Fortescue) by a large majority, in effect rescinding an Address to the Crown of an exactly opposite character, which had been carried a few nights previously by a majority of 10, in a House of over 200 Members. On that occasion Lord John Russell said—

> "There has been found great inconvenience in the rule of the House which allows Addresses to the Crown to go out of our hands upon only one deliberation. If we pass a Resolution upon any matter entirely among ourselves, we may, if we please, rescind it on the following day, and a Bill we re-consider at its various stages before it goes out of our hands."—[3 *Hansard*, cxlii., 1862.]

But he (Mr. Cogan) particularly wished the House to attend to what took place in 1854, when a Committee, similar to the present, was resolved on, upon the Motion of the hon. Member (Mr. T. Chambers), to inquire into convents, &c. On that occasion a similar Motion was made to discharge the Order, as he now asked the House to do, and in the debate a high constitutional authority, Lord John Russell, said—

> "I think it is well worthy the time of the House to consider whether it will persist in the appointment of this Committee. It is not, as the noble Lord (Lord Lovaine) has said because it is a constitutional question that we ought to appoint a Committee upon vague suspicions. There ought to be some sort of case made out. . . . . Seeing no benefit whatever that can arise from the inquiry that it is proposed to institute; and being of opinion that this House would act much more wisely in saying 'We will not meddle with this subject; we will devote our time and attention to much more important and useful work;' and thinking that such an inquiry as this would be of a very peddling and useless character, I certainly, if I have to give a vote, shall vote with the hon. and learned Gentleman the Member for Dundalk."—[3 *Hansard*, cxxxi., 1420 & 1424.]

In the same debate, the right hon. Gentleman (Mr. Gladstone), then Chancellor of the Exchequer, said—

> "He had voted against this inquiry because he could not see his way to any beneficial result that would be at all commensurate with the difficulties and heart-burnings which it was likely to occasion. He was ready, also, to vote to-night for the discharging of the Order for the Committee."—[*Ibid.* 1463.]

He (Mr. Cogan) would not, at that hour, weary the House with any more instances, nor would he occupy their attention at such length, save that he felt the deep responsibility that was cast on him, on account of the great interests which he believed were now so seriously invaded by the Motion which he asked the House to reverse. He thought he had conclusively shown that the House was free to reconsider this question, and that he asked for nothing unusual in the Motion he was about to make. Now, what was proposed by the inquiry—what were its objects, and what were likely to be the results? It was proposed to inquire into the "character" of conventual and monastic institutions, their existence, increase, and property; its objects were evident from the antecedents of all those who were its chief promoters, and who had, in 1851, 1852, 1853, and 1854, inflamed the religious passions and fanaticism of the people, flooded the country with the vilest calumnies and accusations against those holy women who devoted themselves to the noblest objects, and carried out, in the highest purity the spirit of Christian charity, educating the young, nursing the sick and the dying, preserving the virtuous, and helping to restore the fallen, seeking out in every haunt, either of wretchedness or crime, how they can help human misery here on earth, or best point out the way to Heaven. It is proposed to subject these ladies to this inquisition, and without any case made, or attempted to be made, against them—such as would be required in bringing a charge against the meanest malefactor—they are to be dragged from their retirement, and subjected to an inquiry before a Committee of this House, into all the affairs of their private life, and to repel and answer any charge, no matter how vile or disgraceful, which may be recklessly made against them by the vilest or most disreputable persons, who will not be under the obligation of an oath be it remembered; who are not responsible for any statement made before a Committee, either for prosecution for perjury, for false swearing, or for indictment for libel; every privilege and safety is to be given to the accuser, however wanton his charges, and no protection to the accused; and these ladies are to be subjected to, if this Committee be appointed, on no case made out—and this indignity and wrong is to be inflicted on helpless women, many of them amongst the highest in the land by birth, and, what is greater still, by character and goodness. This is deeply resented, and felt as a burning insult, by all the Catholic body. He would remind the House, as an evidence how charges were safely made under the protection of Parliament, of the correspondence of the hon. Member for North Warwickshire (Mr. Newdegate) in 1865 with Mr. Langdale and Sir Charles Clifford. Both these gentlemen had relatives in the convent at Colwich, of which place the hon. Member had made the gravest charges, amounting to insinuations that murders had been committed there. Both these gentlemen challenged him not to shelter himself under his Parliamentary protection, but to make these charges—to sustain which he had alleged he was in possession of sworn evidence—out of the House, so that they could call him to account in a court of justice, and compel him either to prove his case or to stand convicted of having given currency to an unfounded and false charge; and this he had considered himself justified in refusing. Will the House sanction any number of similar calumnious accusations to be thus made with impunity before a Committee, and which can only be refuted by compelling the attendance of the members of the convents against which they are to be made. With respect to monastic institutions they stand in a somewhat different position. By clauses in the Emancipation Act, which are shameful blots in that statute, and so contrary to the spirit of this age that they never have been, nor were ever attempted or intended to be, enforced, the existence of Jesuits and members of other religious orders bound by monastic vows are prohibited, and any person assisting in the admission of any person to any religious order, or taking part in the administration of any religious vow or oath, is declared guilty of a misdemeanour, and any person so admitted may be banished, and if found in the realm after three months, may be transported for life. Is it seriously proposed to examine the inmates of these monastic institutions, which he alleges are illegal, and compel them to answer questions which you believe may criminate them and render them liable to these penalties? and, if so, do you propose to put in force these obsolete penal statutes? Would the civilization, the public opinion of this country, that boasts its love of religious freedom, tolerate, at the present day, such a monstrous theory? As Lord John Russell said in 1854, these penal laws have fallen into desuetude, and are better let lie among the relics of less enlightened ages, unless the hon. Member means, which we know he does not, to blot out those pages which the intolerance and prejudices of other days placed upon our statute book. With regard to another object of the proposed inquiry—as to the property of these institutions, and the manner and conditions in which it is held—it was well-known that most of these institutions were sustained by annual subscriptions, and many by the proceeds of their labour, or by teaching; and if, as was alleged, funds were held in sacred trust, it should be remembered that the exceptional legislation against Roman Catholics, and the statutes against what was called superstitious uses—such as masses, praying for the dead, &c.—rendered money left for these objects illegal, and Catholics have been compelled, who wish to leave money for these objects, to adopt these secret trusts, as they were called; and in the statute of 1853 they were on that ground exempted from that Act, and were dealt with in the Act of 1860, by which they were to some extent, but only partially, relieved from some of the penal provisions of the law, which, however, still treated Catholic charities in an exceptional manner, and confiscated property if left for many purposes which Catholics deemed essential for religious uses. But property thus alleged to be held is in no respect a legal trust. It is held on the honour of English gentlemen, as was stated by the Solicitor General, and is legally, and for all legal purposes, considered as their property; it pays succession duty upon the death of each who, in law, possesses it, and is not locked up in mortmain, as is alleged; and should the person holding it become bankrupt, it would become as his other property, and go to his creditors; so any money thus held is in no respect a legal trust. But if the desire of the hon. Member is to violate the sanctity of what are really private houses—the homes of unoffending ladies, the transportation of all Jesuits and members of monastic orders, and the confiscation of Catholic charitable property—he hoped the House would pause before it gratified his wishes, and weigh well the consequences which the granting his Motion was likely to lead to. It must not be forgotten that if granted this inquiry cannot logically stop there. They must be prepared for the attempt to extend it to Ireland, and he begged the House to seriously reflect what must be the consequence of such proceedings. Were they ready to take the responsibility of adding this fuel to the flame of discontent and danger which unhappily existed now in that country? He called on the House to discharge the Order for this Committee to inquire into the private affairs of those who claim no special immunity or privilege from the State, against whom no case was shown—an inquiry in which evidence attacking private character could be given, as he had already shown, free from all penalties for perjury or libel, not under the sanction of an oath, and where all sorts of illegal or hearsay evidence might be received—which was regarded as a wrong and insult to a large religious body in the country; and he appealed with confidence to the honour, the chivalry, and the love of fair play of the House of Commons to rescind the Resolution to which it had the other night so unexpectedly and so unfortunately given its sanction.

Sir JOHN SIMEON said, that, as the only Catholic representative of an English constituency in that House, he would beg to second the Motion. The Resolution come to the other night had touched the hearts of the Catholics throughout the country; he never knew any question which had so deeply stirred the feelings of his Catholic fellow-countrymen, as was proved by the number of Petitions which had been presented to that House. The meeting held that morning on the subject was attended by gentlemen of the oldest families and the best positions, and they all looked upon that Motion as an indignity and an insult to them, implying as it did that they were unfit to have the charge of those nearest and dearest to them. Convents were merely families on a larger scale; and if that were so, why was not the same arrangement to be extended to families, and a roving Commission appointed to inquire into their condition? Convents were sisterhoods, and the ladies in them required no further protection; they were sufficiently protected—first by the laws of their convents, secondly, by the visitation of their Bishops, by the affection of their families, and above all, by the law of England. The case "Saurin *v.* Starr" proved it. He rejoiced at the result of that trial, as it showed that the law of England threw its ægis over them, and that there was no wrong without a remedy. If he were merely to consult his own feelings he would rather that this inquiry should take place—so sure was he that the inquiry would show the innocence of these institutions; but they had the feelings of others to take into account,—the feelings of the ladies, and the feelings of the great body of Catholics in this country, and, therefore, he must support the Amendment.

Amendment proposed,

To leave out from the words "That the" to the end of the Question, in order to add the words "Order for the appointment of the Committee be discharged,"—(*Mr. Cogan,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Lord ELCHO said, he was not in the House when the Motion of the hon. Member for North Warwickshire (Mr. Newdegate) for a Committee was first carried. It was his intention to vote in favour of the hon. Member's Motion;

but not from any feeling of intolerance, as had been proved when he was one of the 21 Members who in that House had voted against the Ecclesiastical Titles Bill. When he looked abroad, and saw that in Roman Catholic countries convents had been either placed under supervision or altogether suppressed, he could have no hesitation as to the course which he should take on this occasion.

Mr. DODDS moved that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Dodds.*)

Mr. NEWDEGATE said, that so far from his Motion being a surprise, he had given notice of it last Session. In the Saurin case there was evidence enough why this country should not overlook these institutions. All he asked for was inquiry. He trusted the Government would not oppose the Motion, because there was a deep feeling in the country on the subject—a feeling which had been excited by what had come to light in the Saurin case. The very condition of our law, which forbade the jurisdiction of Roman Catholic Bishops, made this inquiry necessary. It was impolitic and unwise of Roman Catholic Members to oppose this Motion, because it gave rise to suspicions. He contended that the institutions in question, notwithstanding the denial of the right hon. Gentleman (Mr. Cogan), were acquiring property, and he appealed to the House not to stultify itself by refusing to vote for his Resolution.

Mr. MATTHEWS said, he had relatives himself in convents both in this country and abroad. In no country did the State interfere with these institutions in the manner in which the hon. Member for North Warwickshire (Mr. Newdegate) proposed to interfere with them in this country. In no country would it be proposed to have an inquiry made by Protestants into these institutions. Besides, abroad, convents had certain privileges, and vows had a legal and binding authority, and the State had the right to interfere and see that those privileges were not abused; but in this country every vow was a voluntary promise, and revocable at any moment. The hon. Member for North Warwickshire had some time ago referred to some occurrence connected with the convent of Colwich in 1865, stating that there were underground cells, and that he had witnesses who could prove that some eight or 10 years before a nun had been forced into one, and had never been brought out alive, but had been buried secretly. Mr. C. Langdale and Mr. Clifford had challenged the hon. Member to prove his statement. The hon. Gentleman, however, gave no proof, and yet it was upon such alleged facts as those that the hon. Gentleman asked the House of Commons to step out of its way to inquire into private life; for this inquiry would be, in reality, an inquiry into the lives of blameless ladies, who were sincere, however mistaken they might be, in their piety. Such an inquiry would entail on those ladies an amount of suffering and indignity which nothing that had yet been shown could justify.

Mr. SCOURFIELD said, that as one of the Members of the Committee of Selection he wished to express the extreme aversion of the Committee to having the duty of choosing this Committee imposed upon them. To have to perform such a duty—which was not within the scope of their proper functions—would impair their credit and efficiency as a body of a judicial nature.

Mr. BRUCE said, he would suggest that the Motion for the adjournment of House should be withdrawn, and a Motion for the adjournment of the debate substituted. It was impossible at a quarter to three in the morning to give that consideration to the subject which it really demanded.

Mr. SINCLAIR AYTOUN said, he must remind the House that the supporters of the Original Motion had been quite ready to go on with it on a previous occasion; but that course was stopped by the clamour of a small section of Irish Members, who would not allow him to express his views.

Mr. DODDS said, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. PEASE moved that the debate be now adjourned.

Mr. Serjeant SHERLOCK seconded the Motion.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Pease.*)

The House *divided*:—Ayes 76; Noes 110: Majority 34.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. BRADY moved that this House do now adjourn.

MR. NEWDEGATE wished to ask the Home Secretary whether, after such a manifestation of the feeling of the House, he would not try to settle the question at once? If the Government wished to alter the terms of the Motion, he would attend to any suggestion they might make. It was clear that the opinion of the House was in favour of a full inquiry.

MR. BRUCE said, he did not wish to offer any unfair opposition to the proceeding of the hon. Member; but he must remind him his Motion had raised religious passion, which could not be easily allayed. He should be glad of a proper inquiry; but the Government could not dictate to the Roman Catholic Members what course they should take in this matter.

MR. NEWDEGATE was understood to say, that after the statement of the Home Secretary he was willing to agree to an adjournment.

MR. SYNAN said, that the hon. Member for North Warwickshire (Mr. Newdegate) had promised not to bring on this question after half-past 12 o'clock. As the result of that statement and some other intimations several hon. Members had left the House, and the question had not been fairly debated.

MR. CANDLISH said, he had voted with the majority on the last Division; but it was evident that a Division on the Main Question was impossible at such a late hour. He would suggest that the Motion should be withdrawn, in order that the debate might be adjourned.

MR. MONK said, the Motion had been discussed two nights, and the House was prepared to come to a decision on the Main Question that night.

MR. DENMAN said, it had been a matter of doubt as to what time the Motion would be brought on, and some Gentlemen had left the House, not expecting that it would come on that that night. He did not think that at this hour in the morning—3 o'clock—the subject could be properly discussed.

LORD ELCHO said, he thought that the forms of the House would allow that the Motion for the adjournment of the House should be withdrawn or negatived, and then the Motion for the adjournment of the debate might be resumed. He thought that course would meet with the approval of the hon. Member for North Warwickshire.

MR. KINNAIRD said, the difficulty was caused by the conduct of the Government, who had taken almost every night devoted to private Members.

MR. MAGUIRE said, he hoped that the present Motion would be negatived, and that the adjournment of the debate would then be agreed to.

MR. NEWDEGATE said, he was willing that the debate should be adjourned for Thursday, April 28.

Motion made, and Question, "That this House do now adjourn,"—(*Mr. Brady,*)—put, and *negatived.*

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. BRUCE said, the difficulties had arisen in consequence of the Motion having been brought on at so late an hour. The debate could not be resumed on the 28th April, the Land Bill being fixed for that day.

MR. MONK said, he hoped the hon. Member for North Warwickshire would put the revival of the debate on the first day after the Recess.

MR. BRADY said, he must complain that the hon. Member had violated the promise he had given not to bring the Motion on at a late hour.

Debate *adjourned* till *Thursday* 28th April.

BRIDGWATER AND BEVERLEY DISFRANCHISEMENT BILL.

On Motion of Mr. ATTORNEY GENERAL, Bill to disfranchise the Boroughs of Bridgwater and Beverley, *ordered* to be brought in by Mr. ATTORNEY GENERAL, Mr. SOLICITOR GENERAL, and Mr. Secretary BRUCE.

Bill *presented,* and read the first time. [Bill 98.]

NORWICH VOTERS DISFRANCHISEMENT BILL.

On Motion of Mr. ATTORNEY GENERAL, Bill to disfranchise certain Voters of the City of Norwich, *ordered* to be brought in by Mr. ATTORNEY GENERAL, Mr. SOLICITOR GENERAL, and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 99.]

House adjourned at half after Three o'clock till Monday next.

HOUSE OF COMMONS,

Monday, 11*th April*, 1870.

MINUTES.] — NEW MEMBER SWORN — John Henry Kennaway, esquire, *for* Devon (Eastern Division).

SELECT COMMITTEE—Corrupt Practices.

WAYS AND MEANS — *considered in Committee*—The Financial Statement.

PUBLIC BILLS — *Ordered — First Reading* — Game Laws Amendment, &c.* [101]; Oyster and Mussel Fisheries Supplemental (No. 2)* [100]; Valuation of Lands and Assessments (Scotland)* [102].

Commtitee—Attorneys' and Solicitors' Remuneration* [6]—R.P.

ORDNANCE SURVEY WORKS.

QUESTION.

MR. WREN-HOSKYNS said, he wished to ask the First Commissioner of Works, Whether on the transfer now being made of the Ordnance Survey Works from the War Office to the Board of Works, it is intended to remove them from the present unsuitable house in Spring Gardens to premises affording proper offices and accommodation; and, when it is intended to proceed with the Survey on the 6-inch scale of the counties of England and Wales, that of Scotland and Ireland having been long completed?

MR. AYRTON said, in reply, that the Bill for the transfer of the Survey to the Board of Works had not yet passed through the House of Lords; but as soon as it received the Royal Assent steps would be taken for making a thorough investigation into the state of the Survey, and the best means of carrying on the future operations of the Department. Till that investigation had been made, he was not in a position to give his hon. Friend the information he desired.

NAVY—DEPTFORD DOCKYARD.

QUESTION.

SIR JOHN HAY said, he would beg to ask the First Lord of the Admiralty, Whether the Mr. Austin whom he has stated to have purchased a portion of Deptford Dockyard for £71,500, is the same Mr. Austin whose name appears as security for the contractor for the extension works at Chatham Dockyard; and, whether the purchase money has been paid, and if he can state to what industrial purpose Deptford Yard has been applied by Mr. Austin to afford employment at Deptford?

MR. CHILDERS: Sir, my hon. and gallant Friend will excuse me for saying that I am very much puzzled to know what the object of his first Question can be. I cannot conceive what objection there can be to a gentleman accepted by my hon. and gallant Friend and his Colleagues a few years ago as surety to a particular contract, purchasing, under very different circumstances, the property in Deptford Dockyard. However, as my hon. and gallant Friend has thought fit to ask the Question, I have made inquiry of the persons who are most likely to know; and I find—though, perhaps, it is an impertinent question—that the gentleman who is the purchaser of the property is the same gentleman who was accepted, four years ago, as surety to a certain contract. At the same time, I think my hon. and gallant Friend is in error as to the frame of his Question. I have referred to the usual places where Answers are reported, and I cannot find that I ever stated that this gentleman had become the purchaser, or that I named the sum which the hon. and gallant Member has quoted. With reference to the second Question, I have to state that the money has not been paid up to the present day, but the agreement has been signed. I have not thought that I should be justified in asking the gentleman in question to what particular purpose he proposed to apply the property which he had purchased.

FACTORIES AND WORKSHOPS RETURNS.—QUESTION.

MR. BAINES said, he would beg to ask the Secretary of State for the Home Department, Whether he has received a Memorial from the Associated Chambers of Commerce, requesting him to collect and print, for the information of Parliament and the Country, Returns of Factories and Workshops, with the numbers and classes of workmen and children employed, the principal machines, &c., more full and complete than those heretofore made to this House, and to cause them to be printed yearly instead of occasionally as heretofore; whether it is his intention to comply with the request of the memorialists; and, if so, when the first Returns of this kind will be obtained and printed; also, whether he will cause the Return to be furnished in such a form as to admit of being easily compared with the Statistics on the same subject which have on several occasions been furnished to the House?

Mr. BRUCE, in reply, said, he had received a memorial from the Associated Chambers of Commerce, asking for the information referred to in the Question of the hon. Member. It was his intention to comply with the request contained in that memorial, and directions had accordingly been given to the Inspectors of Factories to obtain the requisite information.

HABITUAL CRIMINALS ACT.

QUESTION.

Mr. HUNT said, he would beg to ask the Secretary of State for the Home Department, Whether the Police authorities of any district have any means of ascertaining the number of persons in their district who are subject to supervision under the provisions of "The Habitual Criminals Act, 1869," or of identifying such persons; and, if not, whether it is his intention to provide some remedy for this omission in the Act?

Mr. BRUCE said, in reply, that to the officers of police in the different towns of England and Wales weekly Returns were issued of all the prisoners liberated from prison who were subject to police supervision; but no provision was made for the supervision of persons other than licence holders. A Bill to amend the Habitual Criminals Act was about to be introduced into Parliament, and it was most probable that a clause giving effect to what appeared to be the intention of Parliament in this matter would be inserted.

CHINA—UPPER YANGTSZE RIVER.

QUESTION.

Mr. LIDDELL said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the attention of the Foreign Office has been called to the Report of the Delegates of the "Shanghae Chamber of Commerce" (dated the 17th July 1869) on the Trade of the "Upper Yangtsze River;" and whether there is any objection to lay Copy of that Report upon the Table of the House?

Mr. OTWAY, in reply, said, his attention had been called to the Report in question, which was a document of some interest. It would be laid upon the Table, and the hon. Member, if he thought proper, could move that it be printed.

METROPOLIS—THAMES EMBANKMENT.

QUESTION.

Mr. W. H. SMITH said, he would beg to ask the First Lord of the Treasury, If he has received a Memorial from the Dean and Chapter of Westminster, the Vestry of St. George Hanover Square, and numerous representative bodies of the Metropolis, against building upon Crown Land lately reclaimed from the Thames by the Thames Embankment at the expense of the Ratepayers of London; and whether he will give the Memorialists an assurance that no arrangement shall be made for the appropriation of the site until after the publication of the annual Report of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues?

Mr. GLADSTONE: This Question, Sir, as I understand it, does not refer to land which the Board of Works have reclaimed from the river, but to land in the possession of the Crown. I am told that I cannot say absolutely that no arrangement shall be made until after the publication of the annual Report of the Commissioners of Woods and Forests, inasmuch as that would throw us over till a very late period of the Session. However, it is possible that nothing may be done until then. Meanwhile, if anything is done, it will be in the shape of a proposal for a Vote by this House, and ample notice will be given, so that all parties will be able to express their opinion upon it.

METROPOLITAN DISTRICT RAILWAY. QUESTION.

Mr. SHERRIFF said, he wished to ask the First Commissioner of Works, Whether any authority has been given for placing in a Committee Room of the House, a model purporting to be that of the works proposed by the Metropolitan District Railway Company in Queen Victoria Street, City, but different from the model produced before the Committee on the Bill for the said works; and, if so, whether before such authority was given, means were taken to ascertain whether the Railway Company admitted the correctness of the said model?

Mr. AYRTON, in reply, said, the Palace of Westminster, like all other Palaces, was presumed to be in the occupation of Her Majesty, and its use was regulated by the Lord Great Chamberlain. The duty of the Department with which he himself was connected was confined to those works which were necessary in the building, and to furnishing it for the purposes which the Lord Great Chamberlain might design. Ordinarily, with regard to any part of the Palace which was used by either House of Parliament, the high officers of each House gave such directions as were necessary; but when application was made for any special use of the building the requisite authority was granted, not by either House of Parliament, but by the Lord Great Chamberlain. In the present case it was by the officers of the Lord Great Chamberlain's Department that the sanction necessary to enable the model to be exhibited had been given. They did not, of course, inform themselves as to the accuracy of the model; the responsibility on that head resting with the persons who proposed to exhibit it.

WEST INDIES—COLONIAL SECRETARY, NEVIS.—QUESTION.

Mr. PEEK said, he wished to ask the Under Secretary of State for the Colonies, Whether a Petition from Nevis to the Queen, dated in February last, complaining of certain grievances has been received; is the Mr. C. M. Eldridge, just gazetted to the office of Colonial Secretary in Nevis, the party referred to in the Petition; does he still hold the office of Government Secretary at St. Kitts; is his appointment to the two offices illegal, as stated in the Petition and the Protest of the Elective Members of the Legislature; and, is Her Majesty's Government prepared to reconsider the appointment in deference to the wishes of the people of Nevis, as expressed in the Protest of the Elective Members of the Legislature, dated the 2nd July 1869, and the Petition to Her Majesty, signed by the same parties, and numerous other inhabitants?

Mr. MONSELL replied that the Petition referred to by the hon. Member had been received, and that it correctly described the circumstances relating to Mr. C. M. Eldridge. Her Majesty's Government were most anxious to consult the wishes of the inhabitants; but in this case they were unable to comply with the request of the memorialists, inasmuch as they considered it highly important to reduce the expenditure in the smaller West India Islands by abolishing useless offices.

ECCLESIASTICAL COMMISSIONERS' GRANTS.—QUESTION.

Mr. M. T. BASS said, he would beg to ask the hon. Member for North Devon, Why small parishes destitute of all religious teaching should be entirely excluded from partaking of the large sums annually distributed by the Ecclesiastical Commissioners; and, why "grants" should not be made to small populations in relative proportion to the grants made to large populations?

Mr. ACLAND said, in reply, he had made inquiries at the office of the Commissioners, and he was unable to find any parishes corresponding to the description given by the hon. Member for Derby. Grants were made by the Commissioners under three heads—to meet benefactions, to satisfy to a limited extent local claims, and to endow new districts in populous places. Under the first head, up to February last, of meeting benefactions, he found that 136 grants had been made, of which 54 were to parishes below 1,000 population, and 23 to parishes below 500 population. The second-class grants, to meet local claims, were made, for the most part, to agricultural parishes, and many of these were to small parishes with small congregations. As to the third head, new districts, he had taken the trouble of examining the scale on which grants were made to these, and found that the grants to places having a small population were upon a higher scale than those to places where the population was considerable.

BRITISH COLUMBIA —WATER BOUNDARY QUESTION.—QUESTION.

VISCOUNT MILTON said, he wished to ask the Under Secretary of State for Foreign Affairs, If he will lay upon the Table of the House the Letters, Despatches, and Enclosures therein which were addressed to the Foreign Office by Governor Douglas, his Secretaries, or the Secretary of the Water Boundary Commission, informing Her Majesty's Government of the intention of the United States Forces to invade part or parts of Her Majesty's Possessions in the Pacific; and, whether he will give an assurance to the House that no further steps will be taken by Her Majesty's Government which will in any way affect the transactions that were pending, and are now in statu quo, between this Country and the United States relating to disputed boundaries, until the House has had an opportunity of discussing the question, and until the complete history of the dispute between this Country and the United States in the water boundary question has been put into the hands of the Members of this House?

MR. OTWAY in reply, said, there were no despatches at the Foreign Office from Governor Douglas; any communications from him would have been addressed to the Colonial Office. Neither his secretary, nor the secretary to the Water Boundary Commissioners were in a position to correspond with any public department, so that there were no public documents from them. As he had so often stated the position of the Question, he hoped the noble Lord would excuse him from entering into the matter again. He was unable to give the assurance asked for, because by doing so he should be infringing the Prerogative of the Crown.

VISCOUNT MILTON said, his Question had been misunderstood; and he gave notice that he would repeat his Question another day.

NORTH WALES CIRCUIT.—QUESTION.

MR. BOURKE said, he would beg to ask the Secretary of State for the Home Department, Whether the attention of Government has been called to a Letter addressed by the Clerk of Assize on the North Wales Circuit to the Treasurer of the county of Denbigh, on the subject of disallowances made by the Treasury in respect of trials at the Spring Assizes of 1869; and, whether Her Majesty's Government are of opinion that the principle upon which these disallowances have been made ought to be adhered to?

MR. BRUCE replied that the Treasury was the Department intrusted with the consideration of such charges as those referred to in the hon. Member's Question. He had, however, made inquiry respecting this matter, and found that though the Clerk of Assize had every opportunity of expostulating with reference to this disallowance no such expostulation had been offered.

SIERRA LEONE—MR. JUSTICE HUGGINS.—QUESTION.

MR. MOORE said, he wished to ask the Under Secretary of State for the Colonies, Whether the Government will be prepared to lay upon the Table the Papers relating to a Petition from the inhabitants of Sierra Leone, praying for the removal of Mr. Justice Huggins, on the allegation that he had passed an illegal sentence?

MR. MONSELL replied that the Question had been brought before the House during the previous Session by the hon. Member for Dudley (Mr. H. B. Sheridan), and he (Mr. Monsell) then promised that the whole conduct of Mr. Justice Huggins should be submitted to the consideration of the Governor-in-Chief of Sierra Leone, who was then coming to England. It was so submitted, and the Governor expressed his opinion that the conduct of Mr Huggins was not blameworthy. Under those circumstances, he thought it would not be advisable or useful to take any further steps in the matter.

WAYS AND MEANS— FINANCIAL STATEMENT.

WAYS AND MEANS *considered* in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER: Mr. Dodson—The original Estimate of Revenue for the year 1869-70 was £72,855,000; but by an alteration, which the Committee will remember, by which the collection of the assessed taxes, the income tax, the land tax, and the house tax was anticipated and accelerated, there was added to the estimated Revenue of the year £3,350,000. These two sums together made a total of £76,205,000. The Expenditure for the year 1869-70 was estimated at the sum of £68,223,000, leaving a surplus of £7,982,000. This surplus, as the Committee will remember, it was proposed to dispose of in two ways: first, to pay out of it the sum of £4,600,000 in meeting liabilities incurred on behalf of the Abyssinian Expedition; and, secondly, to appropriate £2,940,000 to the remission of taxation. The result of these appropriations was to leave on hand a surplus of £442,000. I may here, in passing, state that out of that reduction, though it consisted of items not in themselves reproductive, the principal being income tax, corn, and fire insurance, we received back on every million remitted about two-thirds of a million. After these remissions had been decided upon, we estimated the Revenue so reduced, to amount to £73,515,000. The actual Receipts have reached the sum of £75,334,000, leaving an excess of Revenue beyond the Estimate of £1,819,000, and being the largest Revenue ever raised in this country with the exception of the three last years of the French War. The Revenue of those years did not appear to be so large as this is; but it really was larger, because by some oversight the contribution of Ireland, which had then a separate Exchequer, was excluded.

The Estimated Receipts of the year 1869-70, under the several heads of Revenue, compared with the actual produce, were as follows:—Under the head of Customs the estimated Revenue was £21,650,000; the actual receipts have fallen short of that amount by a sum of £121,000. The estimated Revenue from Excise was £20,900,000; the receipts have exceeded that sum by £863,000. Stamps were estimated to produce £8,850,000; they have exceeded that Estimate by £398,000. Taxes were estimated at £4,500,000, and the receipts have exactly corresponded. Income and property tax was estimated at £9,360,000; the receipts have exceeded that sum by £684,000. The Post Office was estimated at £4,880,000; the receipts have fallen short of that Estimate by the sum of £210,000. Crown Lands were estimated to produce £375,000; the receipts have exactly corresponded with the Estimate. Miscellaneous Receipts were estimated at £3,000,000; they have exceeded that amount by the sum of £205,252. The whole Receipts in excess of Estimate amount to the sum of £1,819,000. As regards the Customs Revenue, there is, as I have said, a falling-off of £120,000. That falling off would undoubtedly have been converted into a considerable excess had it not been for an idea, which had become prevalent in the early part of this year, that it was intended to make a clean sweep of taxes on articles for the breakfast table, which has occasioned a falling-off upon the article of tea, during February and March, to the amount of £140,000 when compared with the last two months of the previous financial year, upon coffee and chicory of £10,000, and upon sugar and molasses of £153,000 — making a total falling off of £303,000. I do not doubt it will be very speedily recovered after this evening. The Revenue on sugar, so far from keeping pace with the increase of population, is now £334,000 less than it was three years ago. Foreign and colonial spirits have produced £130,000 less than last year. Sugar has fallen off by £76,000, wine by £42,000, while tobacco, on the other hand, shows an increase of £121,000, and tea of £55,000.

Under the head of Excise there has been a great increase. British spirits have been gaining upon foreign spirits, for while there has been a loss on foreign and colonial spirits of £130,000, as compared with last year, there has been upon British spirits an increase of £400,000. Upon licences an increase was anticipated—that is, we supposed we should not be able to get the new licences for the assessed taxes all in the course of the year, and we estimated that of £1,200,000 we should get half, or £600,000; but the result has been very gratifying, for we have collected, in the first three months, £1,050,000. Stamps, as I have said, have brought in a large sum, considerably over the Estimate. Owing to the reduction of the fire insurance duty there has been a loss of £520,000, which fell in the last year; but this loss has been made up by an increase upon probate, legacy, and succession duty of £300,000, on deeds of £130,000, and on bills, receipts, and drafts of £37,000. In addition to these items of increase there has been a nominal gain, which is really a matter of account—that is to say, we now vote the salaries of the Courts of Chancery and Bankruptcy, and take the fees by means of stamps; and in this way there has been a nominal increase of £70,000, making, on the whole, an excess of Receipts above the Estimate of £398,000.

We anticipated an increase, under the head of Taxes, of £1,000,000, in consequence of the new mode of collection, and that anticipation has been fully realized. The Post Office has not sustained its usual character for elasticity; it has only increased by £10,000, whereas we anticipated, on the analogy of former years, an increase of £220,000. Crown Lands have realized the Estimate, and the Miscellaneous Receipts have exceeded it by £205,000. The total Revenue of 1869-70 has exceeded the Revenue of 1868-9 by £2,742,000.

It appears, then, that after considerable reductions, the Revenue is really recovering its old elasticity. One of the causes of that elasticity, I will venture to state, is the great cheapness of the principal food of the people—that is, corn. Now, I am not going to take credit on that head for the abolition of the duty on corn; because it seems to me that the fall in the price of corn, which has been confirmed, indeed, since the abolition of the duty, commenced before that duty was taken off. The price of corn was at 72*s.* in April, 1868, it fell to 48*s.* in April, 1869, and now, since the duty has been taken off, it stands this month at 42*s.* Therefore, we must be guarded against saying that the fall in the price has been the result of taking off the duty on corn. But, from whatever cause it arises, the cheapness of corn no doubt, has had a considerable share in giving elasticity to the Revenue by setting loose the money that would otherwise have been spent in buying the food of the people. I will mention, as it may be interesting to the Committee, the increase in the supplies of corn during the last half of 1869 compared with the last half of the preceding year. There were in the country during the last six months of 1869 10,500,000 cwt. of wheat more than in the corresponding period of last year, 4,500,000 cwt. more of Indian corn, and 2,000,000 cwt. more of flour.

This may, perhaps, be the proper place for me to give to the Committee some account of the effects produced by the very much discussed measure of last year with respect to the anticipation of the taxes.

We anticipated, as I stated to the Committee, that we should collect the licence duties which were substituted for assessed taxes within the year to the amount of £600,000. We have collected really £1,050,000; that has been done without the slightest pressure; and, notwithstanding the quantity of wholesome abuse to which we have been subjected, the fact that I have stated shows that the new system is not unpopular, or else we should not have found people so ready to pay. It has been found that the direct method of paying once for all, not for articles used a year and a-half ago, but for articles now in use, makes shorter work, and is, therefore, pleasanter. Whether that is so or not, sure I am that it has answered very well for the Revenue, for we have not collected the whole Revenue yet, and it already has exceeded our anticipations. We get the benefit now of what we lost so much before by deaths, removals, bankruptcy, and evasions, which are not so easy when a man pays for a thing he uses, instead of paying for what he used a year and a-half before. That result was achieved in a very desirable way—not by pressing hard upon those who did pay, but by making those pay who did not.

The Income Tax has exceeded the Estimate by no less than £684,000. Instead of my Estimate being correct, when I supposed that under the new mode of collection the additional amount would be £3,350,000, the fact is that the taxes so collected have yielded the additional amount of £4,484,000. Before I dismiss this subject, which is not likely to come up again, as the operation will never be repeated, unless the country should fall back into the sluggish and unsatisfactory custom of having the taxes collected a year and a-half beyond their time—in which case some one may arise to repeat the operation —let us look at the loss to the taxpayers at which this addition of £4,484,000 has been extracted. I have often shown that on the house and land tax there was no loss, because what we did was to take a mean; but in regard to the income tax, there has been a positive gain. Taking the amount of the year's income tax at £7,500,000, and allowing 5 per cent as the rate of interest—which I do not think too high for money in the pockets of private persons—the money gained by the taxpayers in interest on the October quarter's tax, respecting which forbearance was granted, amounts to £22,000. That is what is gained by the taxpayers. But then comes the much-disputed question of the licences substituted for assessed taxes. In respect of the taxes for 1869-70, persons would have been called on to pay one-half next October, and the other half in this month of next year. That would have been the case under the old system; but now the whole amount is imposed in January of this year, so that they pay one-half of the tax three-quarters of a year, and the other half a year and a quarter sooner than they would have paid them if the change had not been made. The interest thus lost to them, calculating at 5 per cent, is £60,000 for the two years; but deducting from that the gain of £22,000 interest on the quarter's income tax, you have £38,000, which just represents the inconvenience which the country is called on to bear for the additional sum of £4,484,000 realized by the new mode of collection.

We are so satisfied with this experiment, that we are determined to carry it much further. I intend to take the opinion of the House as to whether the time has not arrived when we might put an end to the system of collecting taxes through parochial officers. We believe that under another system the income tax and the house and land taxes would be collected with greater economy, and that they would be made more productive. In fact, nothing can exceed the dissatisfaction expressed by those best able to judge of the matter, in reference to the existing system of collection. The Commissioners of Inland Revenue say that in many cases the collectors are utterly indifferent to the interests of the Exchequer; that they are opposed to those interests, and do their best to thwart the intentions of the Legislature; that many of them are illiterate, and many corrupt; that, for the purpose of restraining them from doing wrong, it is necessary to keep a large staff of officers to go over the same ground; and that, after all the precautions that can be adopted, there exists a great amount of evasion. That is the opinion of those most competent to judge. I do not see, therefore, why the principle first introduced by the right hon. Gentleman the Member for Northamptonshire (Mr. Hunt) in the case of the dog tax, and acted on by us at this time last year, should not be extended to other branches of taxation, as it has been found so effective in those to which it has been applied. I hope we shall have the right hon. Gentleman's assistance in this matter.

I now come to the Expenditure for 1869-70. The total Estimate of Expenditure for 1869-70, at the time of the Financial Statement of last year, was placed at £68,223,000; but, chiefly in consequence of the transfer of charges connected with the Courts of Chancery and Bankruptcy from the Fee Funds of those Courts to the Votes, under the Act of last Session, the amount granted under the Appropriation Act was raised to the sum of £68,408,000. The interest of Debt was estimated at £26,700,000, which has been exceeded by a sum of £353,559. The other Consolidated Fund charges were estimated at £1,700,000, which has been exceeded by £30,134. The Army was estimated at £14,230,000; but happily the actual Expenditure has been less than the Estimate by £664,600. The Navy was estimated at £9,997,000; the actual Expenditure has fallen short of that by, I am happy to say, £239,710. The Civil Services were estimated at £9,715,000; they have fallen short of that amount by £411,987. The Expenditure on the Customs and Inland Revenue Departments was estimated at £2,613,000; it has fallen short of that amount by £55,197. The Expenditure on the Post Office was estimated at

£2,363,000; it has fallen short of that by £47,000. The Packet Service was estimated at £1,090,000; it has exceeded that by £131,553. The Committee will see, therefore, that, with the exception of those three items—the interest of Debt, the other Consolidated Fund charges, and the Packet Service—there has been a considerable decrease on all the items. The increase of £131,553 in the Expenditure for the Packet Service over the amount estimated is owing principally to a large claim which was made by the Peninsular and Oriental Company upon a settlement of accounts, and which, having been found to be just, was paid by the Government. The increase of £353,599 in the charge on the Public Debt arises chiefly from the measures we took to meet the objections of my hon. Friend the Governor of the Bank of England (Mr. Crawford), in respect of the rather plethoric state of our balances at one portion of the year. We obtained an Act which enabled us to throw a large amount of the charge for Terminable Annuities upon the March quarter. The increase of £30,134 on other Consolidated charges is made up of various amounts.

I need say nothing of the reductions in the estimated Expenditure for the Army and Navy. They speak for themselves, and, as the Committee will perceive, it is mainly to them we owe the financial prosperity which I hope I am not too sanguine in saying now exists. It will be satisfactory to point out that, excepting in the item under which a considerable claim was made by a company who showed that the money was due to them, and in that of services not under the control of the Government, there has been a decrease on all the items of Expenditure, and that this decrease amounts to £1,418,494 on the whole. When we deduct from this saving the three sums in excess of the Estimate—the excess on the interest of Debt and other Consolidated Fund charges, and that on the Packet Service—we have a net saving of £903,248 on the estimated Expenditure for last year. If we compare the Expenditure for this year with the Expenditure for last year, we find the reduction of Expenditure amounts to £2,468,000. Thus, the Revenue of last year exceeded the Revenue of the year before by £2,700,000, and the Expenditure of last year fell short of that of the year before by nearly £2,500,000. In the course of this year the Telegraphs have, for the first time, been brought into our accounts, and no doubt from this time they are destined to fill a considerable space in them. The receipts from Telegraphs brought to account up to the 31st of March last, have been £100,000, and the Expenditure for maintenance £60,000. Adding these sums respectively to the two sides of the account, we have a Revenue of £75,434,000, and an Expenditure of £67,564,000, leaving a surplus of £7,870,000.

We have been obliged to propose to the House a Supplementary Estimate which consists of £175,000 for certain Civil Services, £22,000 for Inland Revenue, and £130,000 for Post Office Packet Services, making a total of £327,000, which sum is included in the £67,564,000 that I stated was the total Expenditure of the year. From the surplus that we thus obtained, we have spent £4,300,000 in liquidating liabilities which were incurred for the Abyssinian Expedition, of which £3,300,000 was money we had borrowed, and £1,000,000 was lent from our own balances. I mention that for the sake of distinction, because we treated the balances as our creditors, not being disposed to reduce them more, and we have repaid the money. The total amount, therefore, that we have spent out of this Vote on account is £4,300,000, leaving a net surplus of £3,570,000. Out of this balance we have expended £1,000,000 in paying off Exchequer Bonds, preferring to do that to availing ourselves of the power of renewal which Parliament had given us, and thereby relieving the Unfunded Debt to that extent. We have also spent £134,000 in purchasing Exchequer Bills, so that we have reduced the Floating Debt by £1,134,000. The repayments also have exceeded the advances on account of Public Works by the sum of £464,000.

The effect of these various transactions upon the Exchequer balances has been to raise them from £4,707,258—the amount at which they stood at the commencement of the financial year—to £8,606,000, the amount at the credit of the Exchequer at the close of the year on the 31st of March, 1870. Of course, this is by no means an unmixed good, for the balances are rather larger than we should wish to see. The evil was predicted and admitted in the course of the deliberations of last year; but I think the balances have not yet assumed an unmanageable extent, nor do I think we shall have any difficulty in dealing with the subject. We have already mitigated it in some degree by transferring the payment of Terminable Annuities from a poor to a rich quarter. I observed, however, last Saturday, in a great authority on commercial questions, to which I pay the most unfeigned respect, this argument—that by paying so much money into the Bank of England now, we make money dear, because the Bank is not in a hurry to lend money. The inculpated person might say—"I shall do better for the public in the autumn, when our account with the Bank will be low." But my censors say—"That will not help us at all, because though you make money dear by paying so much money into the Bank, if you draw so much out you make the Bank poor, and that will create a panic, and everybody knows that a panic is only another name for dear money;" so that whatever I do—whether I keep the Bank full to overflowing, or reduce the amount—my fate is apparently to do mischief. The practical inference is, that as I cannot either way escape my inexorable critic, I had better go my own way; look after my affairs, and leave the moneyed interest to take care of theirs.

I have not gone into any detail about the Abyssinian Expedition, because we have it presented in this year, not in the form of Expenditure, but in the form of a debt incurred by the payment of that Expenditure; but I will make a short statement on the subject. The accounts of the Expedition are not yet closed, and some of the claims against the Indian Government on account of sales still remain unsettled; but, so far as can be gathered at present, the total net expenditure may be put at £8,800,000. To meet this Expenditure we have issued £8,300,000—£4,300,000 this year, and £4,000,000 previously—out of the Vote of Credit granted for this service, and the balance, so far as it has been paid, has been met out of the savings on Army and Navy Grants, which were legally applicable to that purpose. As soon as the matter is fairly settled — which I trust will not be very long—I will lay full accounts on the Table of the House.

Before I conclude my observations upon the transactions of the past year, I think the Committee would wish to hear something with regard to the new and very prominent item of Telegraphs. The sums awarded under the Act of last Session to the several telegraph companies amounted to £5,715,000; and other charges, including the cost of the extension of lines, raised the total estimated Expenditure to £6,750,000. Of this amount we have paid £6,327,541, and £422,459 is the balance still payable. As to the way in which the money has been raised, the Committee may remember that last year the House gave us the option of raising the money in several ways, and the mode we selected was that of creating stock. A sum of £7,000,000 of stock in Consols was created and placed in the hands of the National Debt Commissioners, who were enabled to apply balances upon public accounts to the extent of £4,000,000 to the purchase of this stock. The remainder of the stock we had to sell in the market, and by a little careful management, neither feeding the market to repletion nor yet starving it, we contrived to place very nearly the whole of the other £3,000,000 so quietly and imperceptibly that it hardly produced any effect upon the Funds, and I did not observe in the newspapers at the time a trace of consciousness that any such operation was going on. There was some speculation about the money being paid out of the surplus in some way or another, when the fact was that the means of paying it had been obtained by this process, which I think is very much to the credit of the National Debt Commissioners. It is, of course, exceedingly desirable that the Government should as much as possible avoid disturbing the money market by such transactions. It is equally desirable that we should not depress the value of the stock which we mean to sell by parading our intention before the public. Then of the £7,000,000 there has been disposed of £6,922,423, at an average rate of £92 4*s.* 7½*d.*, producing £6,384,643, and we anticipate no difficulty in supplying on favourable terms the small balance which still remains due to the companies, and thus winding up the whole transaction.

Now, to pass from that subject, the funds applied to the reduction of Debt during the current year are these—We have applied £4,600,000 to meet past liabilities on account of the Abyssinian Expedition; we have paid off £1,000,000 of Exchequer Bonds and £134,600 of Exchequer Bills, and we have, by the action of Terminable Annuities, reduced the Debt by £2,150,000, the result being that, during the current year, we have paid off Debt to the amount of £7,884,600. Besides this positive reduction of Debt during the year we have obtained a surplus of Revenue over Expenditure, and we shall once more put in force an Act which enables us to apply the surplus of the year, which terminates with each quarter, to the purchase of Debt. The amount to be so applied in the current quarter is £64,000, and in the September quarter no less than £1,592,000 will be applied, and other sums, in somewhat the same proportions, on the subsequent quarters of the year. The Unfunded Debt has now fallen to £6,761,500. I believe I am right in saying that it has never been brought anything like so low; and when one considers the ability of the nation to raise a considerable sum of money at the shortest notice, which is implied in this statement, it gives us an advantage which can hardly be overestimated.

A statement has been laid upon the Table of the House from which I will make a short extract. If you take the year 1857—the year after the close of the Russian War—notwithstanding debt incurred since that date for the expenditure of nearly £9,000,000 on the Expedition to Abyssinia, of £5,755,000 on Fortifications, and of £7,000,000 for the purchase of the Telegraphs, there has been a reduction, in the total amount of Debt, of £38,000,000—in all, nearly £60,000,000 applied to Debt, beyond the ordinary Expenditure met out of Revenue in those thirteen years.

While on the subject of Debt, I have an observation to make to the House with regard to the answer I gave an hon. Member a few days ago with respect to the debts due to this country from Spain and Portugal. I stated that there was due to this country from Spain £7,701,000 for expenses incurred in the Peninsular War, and £2,489,000 from Portugal; and I said that if former Governments had chosen to demand the payment of those debts, I saw no reason why they should not have been recovered for the benefit of the people of this country, just as France recovered for her benefit a debt of a rather more invidious nature—namely, the debt contracted on account of the expedition of the Duc d'Angoulême. We have not, however, chosen to ask for those debts, and I think the time for making any serious demand has gone by and lapsed. In making these observations, I do not wish to give any offence to the Governments of either of those countries. What I said, with reference to a deputation on a former occasion, was with reference to the proposal to enter into commercial treaties with them. In considering whether we ought to sacrifice a considerable amount of Revenue for that purpose, I pointed out that, before we removed those burdens there were claims that we had not given up, of which those who urged us to surrender our Revenue ought not to lose sight. I do not wish to injure the credit of those countries, for it ought not to be affected by an outstanding debt which we have never thought fit to claim. I trust the matter will not be allowed to remain as it is, and I think it is not the proper course for the Treasury of this country to let it rest. A convention should be entered into between us and the two countries, and the sanction of Parliament should be formally taken to the renunciation of the debt. I repeat that no offence was meant.

I now come to the Expenditure for the current year. I shall first submit to the Committee the Estimate of the Expenditure for this year as compared with the total grants for the year 1869-70, including the Supplementary Vote. The estimated interest of the Debt for the present financial year amounts to £26,650,000, or £50,000 less than last year. The other charges on the Consolidated Fund are estimated at £1,820,000, being £120,000 more than last year; and I may say, in passing, that this increase is owing to the Telegraphs. The Committee are aware that the House, by the Act of last Session, enabled us to conclude the purchase of the Telegraphs and to appropriate the money that was to be derived from them in this manner—namely, the first part was to go to pay the expenses of working; another part was to pay the interest on the money borrowed; and after that the surplus was to be paid to the Consolidated Fund to extinguish the principal. It is this third part that swells the charges on the Consolidated Fund. Then the Army is estimated to cost £12,975,000, being a reduction of £1,256,000 upon the total grants of last year. The Navy is estimated to cost £9,251,000, exhibiting a reduction, on the grants of last year, of £746,000. The Civil Services are estimated to cost £9,990,000, showing an excess, over the grants of last year, of £100,000—not, I am bound to say, at first sight, a very brilliant appearance, as compared with my brethren of the Army and Navy. The charges for the Revenue Departments are estimated at £4,960,000, showing a reduction, on the grants of last year, of £38,000. The Packet Service is estimated at £1,107,000, showing a reduction of £113,000 as compared with last year. The Telegraph Service is estimated at £360,000, showing an increase of £270,000. The Committee will remember that the Expenditure we have had this year was only £60,000. The result is, that there is a total net reduction upon the Estimate below the grants of the past financial year of £1,713,000. The total amount of the estimated Expenditure is £67,113,000, and the total of the grants for last year, including the Supplementary Estimates, was £68,826,000. [An hon. MEMBER below the Gangway was here understood to ask the right hon. Gentleman to turn that way.] I am afraid I cannot give satisfaction unless I play the part sustained by the character in the *Pilgrim's Progress* called Mr. "Facing-both-ways." The grants I am speaking of include the Supplementary Estimate of the present Session, amounting to £327,000. Of course, there is no occasion to make any observations on the Estimates for the Army and Navy. They speak for themselves, and they are, I am bound to say, the very root and basis of the present prosperous state of our finance.

The Civil Service Estimates do require some observation, because they show an increase of £100,000 over the grants of last year. The amount of the Civil Service Grants, included in the Appropriation Act of last Session, was £9,715,000. To this sum must be added £175,000, the amount of the Supplementary Votes taken this Session. The total amount, therefore, of the Civil Service Grants for 1869-70 is £9,890,000; whereas the Estimate for the current year, amounting, as it does, to £9,990,000, shows an increase on the present Estimate of £100,000. But this increase, though apparent, may be very easily explained. The Civil Service Estimates may be divided into two portions. The one portion is under the control of the Treasury, and the other is not. The first part, which is not under their control, I may call the Transferred Services. They are mere matters of account, when, owing to the desire to get things into the Civil Service Estimates, and to submit them in detail to the House, and for other reasons, Services are transferred from the Consolidated Fund, or from other Departments, to the Civil Service Estimates. Now, in the course of last year, there have been under this head, for the first time, the following transfers:—The expenses of the Cadastral Survey of the Kingdom, of Military Prisoners, and of Army Examinations, formerly borne on the Army Estimates, but now transferred, for reasons with which I need not now trouble the Committee, though those reasons generally resolve themselves into greater facilities and better management of the Services. The amount of those transfers is £151,000. It is a matter of account that makes no difference to the total Estimates of this year—the only distinction being that we place the items under the head of the Civil Service instead of under the head of the Army. Then, again, there are the charges of the Courts of Chancery and Bankruptcy, that were formerly paid out of the funds of those Courts, which funds are now paid into the Exchequer by stamps. These Services are now transferred to the Voted Services, instead of being out of the jurisdiction of this House altogether—a change which everyone must admit to be a great practical improvement, though not improving the external appearance of the Civil Service Estimates, which are loaded in that way to the amount of £186,000. Then there are the expenses of the Lunacy Commission—£10,000—which were formerly charged on the Consolidated Fund; then £12,000 more has to be added for certain Consular charges formerly defrayed from fees. So that the total amount of the charges formerly paid by other Services, and now placed, for the first time, under the Civil Service Estimates—a pure matter of account—is no less than £359,000. That disposes of the £100,000 of apparent excess, and leaves £259,000 on the other side of the account. There has, however, been the same operation, on a very small scale, applied to the Civil Services. We have got rid of the item of £8,000 for certain Post Office expenses, which has been transferred to the Post Office; thus making the net amount brought on to the Civil Service Estimates by transfers from other Departments, £351,000, which goes to swell their nominal, not their real amount.

There is another class of Services that calls for the attention of the Committee. These are not transfers from to other Departments, but they are automatic Services, if I may so term them; they take care of themselves, and increase of their own accord without its being in the power of the Departments to accelerate or retard their progress. Such are the payments for Education in Great Britain and Ireland, where the Government virtually makes offers of money for the performance of certain conditions, and when those conditions are performed they are bound to pay that money. The increase on the Service for Education amounts to no less a sum than £155,000 for this year. There is also the charge for police, metropolitan and in counties and boroughs. We pay a certain fixed proportion, according to the growth of that force, and that fixed proportion has grown this year by the sum of £52,000. In the same way we deal with prisons and reformatories, the charge for which is, of course, measured by the number of committals by magistrates, and, in fact, by the circumstances bearing on the administration of justice generally. The increase under this head amounts to £92,000, so that these self-regulating or automatic Services—if I may coin a word—have increased altogether by £299,000, and there is no reason to suppose that they will not go on increasing, like Virgil's trees, of which it is said—

> "Ut vires habuere suas, ad sidera raptim
> Vi propriâ nituntur, opisque haud indiga nostræ."

These items, which have grown of themselves, without our leave, together make £299,000, which, added to the total of £351,000 that has been transferred to the Civil Service Estimates from other Services, gives an aggregate of £650,000 as the sum that has been added to the Civil Service Estimates in the present year. I think, therefore, the wonder is, not that they exceed the grants of last year by £100,000, but that they have not been a great deal more; because if you add that £650,000 to the grants of last year, which were £9,989,000, and if you deduct from the £650,000 the £100,000 of present excess, you will find, taking the basis of last year's grants, that we must, had we left things in *statu quo*, have devoted to these Services the sum of £550,000. Therefore, though I am not altogether pleased to see in the Estimate—which we have taken great pains to reduce as much as we can, any increase, yet, when the matter is explained to the Committee I think they will see that as we saved on the Estimate for the Civil Service of last year £411,000 and as we have cut down the Estimate for this year £550,000 below the actual grants of last year, we have not, in a humble way, been wanting in our duty.

I now come to the estimated Revenue for the year 1870-1, as compared with the actual Revenue of 1869-70. We estimate the Customs at £21,650,000, being an increase of £121,000 upon their amount last year; and this we do on the strength of what I pointed out to the Committee before—namely, that our income from Customs has naturally been affected by the apprehensions entertained in regard to the duties on tea and sugar; and we may fairly expect some increase when those apprehensions are set at rest. The Excise we take at £21,640,000, being a decrease of £123,000. That is also on account of the very large increase we have had in spirits, which those persons who estimate these things think may probably be attended with some reaction. The Estimate for Stamps is £8,700,000, as against £9,248,000 received during the past year, being a decrease of £548,000, mainly accounted for by the loss for the remaining half-year's fire insurance duty falling on the present financial year.

It is estimated that there will be a decrease under the head of income tax of £2,444,000, the Estimate being £7,600,000, as against £10,044,000 actually received during the past year. This estimated decrease is accounted for by the fact that we collected, during the past financial year, the April quarter of the income tax, as well as many arrears that had hung fire, in addition to the whole tax for the past twelve months. The taxes are estimated to produce £2,850,000, as against £4,500,000, the amount they contributed to the Revenue last year, showing an estimated loss under this head of £1,650,000, which is mainly to be accounted for by many branches of the assessed taxes having been transferred to the Excise under the form of licences. The Committee is, of course, aware that the collection of the assessed taxes has been proceeding *pari passû* with the payment for licences.

The income from the Post Office we estimate at £4,900,000, as against £4,670,000 actually received last year, showing an estimated increase under this head of £230,000 — we being no ways intimidated by the bad estimate we made of the probable receipts under this head last year. From the Telegraphs we anticipate that we shall receive £675,000, as against £100,000, which we received under this head last year, showing an estimated increase of £575,000. The Crown Lands are estimated to produce £385,000, as against £375,000 received last year, being an increase of £10,000. The estimated receipts under the head of Miscellaneous amount to £3,050,000, as against £3,205,000 received last year, showing an anticipated decrease of £155,000. The total estimated Revenue, therefore, will be £71,450,000, as against £75,434,000, the actual Revenue of last year, showing a net decrease of £3,984,000. Taking the anticipated Revenue for the ensuing year at £71,450,000, and the probable Expenditure at £67,113,000, we have an estimated surplus of £4,337,000.

Having shown how this estimated surplus has been arrived at, I shall now proceed to present to the Committee a plan by which a little increase may be given to that surplus. The Revenue derived from game certificates amounts to £150,000; but it has the disadvantage of not only being one difficult of collection, but of being the proceeds of a tax that is frequently evaded. By the 23 & 24 *Vict.* c. 90, it is enacted that if any person shall be discovered doing any act whatever, which shows an intention on his part to kill game, an officer may require him to produce his licence.

Now, in the first place, under that Act an officer must wait until he sees a person doing some act showing that he is about to kill game before he can demand the production of his licence. I am happy to say that the class who have the right to kill game are not generally anxious to defraud Her Majesty's Revenue; but, to a great extent, the collection of this branch of the national income rests more upon their sense of honour than upon the operation of the law.

Having made these preliminary observations, I will venture to point out to the Committee the very serious change which the progress of mechanical science has brought about in our social relations in consequence of great improvements that have been made in modern fire-arms. By those improvements in the construction of these weapons we have undoubtedly obtained a considerable increase in our power over the brute creation and in our power to exterminate savages. On the other hand, we buy these somewhat questionable advantages exceedingly dear; because nothing is more certain to any one who has had the misfortune to live very long in this world, than that there is a retrograde practice and tone of feeling growing up among us with reference to the carrying of deadly weapons. It used to be urged in defence of boxing that it operated as an antidote to the use of the knife; but who thinks of using the knife now? A man mischievously disposed does not arm himself with a single knife but with a revolver, by the aid of which he holds six men's lives in his power. He carries a deadly weapon of this description about with him while he is drunk, or quarrelling, or bargaining, or doing anything that may rouse his wildest passions, and thus gives himself the power of carrying into effect what they may dictate in a moment of intense excitement. Look at the miserable spectacle that occurred the other day in Paris, where of three gentlemen, meeting for the purpose of arranging a *cartel*, two were armed with these deadly weapons, and by a singular chance the only one who was unarmed was killed. We have also been rendered familiar with the evil result of the practice of carrying revolvers in the debate upon the Irish Coercion Bill, in the course of which we found ourselves bound to make the mere act of carrying these weapons an offence to be visited with a severe punishment.

We used at one time to ridicule the scenes that occurred in the backwoods of America and in the backwoods of other newly-civilized countries; but those scenes have lately been reproduced in Ireland, and we have felt it our duty to legislate with the view of preventing their recurrence in that country. In my school-boy days I recollect reading the boast of the Grecian historian that the Athenians were the first of the Greeks who laid aside their weapons and went unarmed among each other. We, on the contrary, seem to be reversing that process, and having formerly been an unarmed people, appear to be arming ourselves with weapons compared with which all ancient arms were mere children's toys. I may further remark upon the number of accidents that result from the indiscriminate handling of fire-arms. I hold in my hand an account which I cut out of a newspaper of a gun accident that happened only a day or two ago, in which a boy, after having presented a loaded gun at a comrade, fortunately without evil results, afterwards shattered his own skull in attempting to look down the barrel of the weapon. I may also point out that the practice of carrying a gun for the purpose of shooting small birds frequently leads men to commit the offence of poaching; and, as I know well, having had some practical acquaintance with the criminal population, a large proportion of crime results from poaching. For all these reasons, therefore, it is that I venture to propose to institute a new Excise licence of £1 to carry fire-arms. I do not propose to put any tax upon weapons kept in the house. I merely propose to require every person carrying a gun or other fire-arm out-of-doors to produce his licence to carry arms whenever he may be requested to do so by an officer, under the risk of incurring certain penalties. Of course, it is not easy to prevent people from carrying revolvers in their pockets; but if they choose to indulge in that practice they must pay £1, or take their chance of conviction for exercising that privilege. The financial result of this new Excise licence is estimated to produce the sum of £150,000 beyond the amount now received from game certificates. I need scarcely state that the Bill which will be brought in with the view of carrying this proposal into effect will be guarded by numerous provisoes exempting certain persons, such as Volunteers, from its operation.

Taking it that the surplus for the ensuing financial year will be £4,337,000, we must add to that sum the £150,000 to be derived from the gun tax, making together a total of £4,487,000. I must next consider the various suggestions that have been made with the view of enabling us to get rid of that surplus.

In the first place, there is the proposal of the hon. Member for Sunderland (Mr. Candlish), who had a Motion on the Paper which I regret he was unable to bring forward and to have taken the opinion of the House upon it, to the effect that we should not remit any taxation, but should allow it to go on at its present rate, with the view of any surplus we may have now, or on any future occasion, being applied towards the reduction of the National Debt. I must say there is something in that proposition which will commend itself to the esteem of any person who has not the responsibility of carrying it out, and a variety of considerations would commend it to a Chancellor of the Exchequer. In the first place, it would save all thought and trouble; because, instead of having to weigh and consider what should be taken away and what should be left, balancing this thing and that, the whole matter would be settled, and I should have nothing to do but let things take their course. In fact, my vocation—or a great part of my vocation—would be gone. On the other hand, there are very great drawbacks to the proposal. At the present time there are a variety of interests opposed to each other, each claiming a portion of our surplus to the disparagement of all other claimants; and the only successful method of combating their claims is to balance their respective forces, and by setting one against the other, so get rid of the whole. But if the whole surplus were taken for the Debt, these claimants would unite to upset the arrangement. I also think it would lead to extravagance. One great way of keeping persons in order who ask for public money is to make themselves the judges of their demands. I may say to one who asks for a certain expenditure—"You are an advocate for a free breakfast-table; how, then, can you expect me to get a free breakfast-table if you ask me to squander public money in this way?" And he goes away rebuked. But if I were to say to him—"Don't ask me to do this; to endow your College, or whatever it is, because I want to pay the National Debt," he would answer—"Why should we pay the Debt? We didn't incur it; leave it to posterity." Really, without joking, I hope my hon. Friend may live to see the day when it shall be paid off; I am sure I shall not; and I must decline to interfere with it beyond a very limited extent.

But can we do nothing with regard to the National Debt? I admit, most distinctly, that it is our duty—a duty which we have not altogether neglected—to keep an eye on the Debt, and to go on gradually reducing it; not to starve other matters of expenditure in order to redeem it, but giving it a fair claim and share in the surplus Revenue. The only doubt one has is as to the best way of doing this. Of course, I need not go back to any question of a Sinking Fund; the Sinking Fund is an exploded idea. It has both its good and evil elements, and it seems to me that the good in it is in some danger of being thrown aside with the evil. The evil of the old Sinking Fund was, that it was founded on the flagrant absurdity that if you borrowed money you could always pay your debts with it; because you could put your money into a drawer, and on opening it after a time you would find by some bisexual process that it had multiplied at compound interest. At last, however, people discovered the valuable truth that debt could only be paid by taxation, and so the Sinking Fund went away.

But there is another sort of Sinking Fund, that of making a fund and feeding it by taxation. This, however, has a bad side also, and it is this—that it is based on the absurdity that it is better to have money to devote to paying off a debt than to pay the debt off at once—a practice as absurd as if a man, having mortgaged his property, were to come into possession unexpectedly of a sum of money, and instead of paying off his mortgage at once, were to lend it on mortgage to somebody else in order to pay off his own debt. But it has its good side: it does appropriate public money for the purpose of paying off the Debt, and the problem for the financier is how to get the good and not the evil. The evil involves, besides the absurd circumbendibus I have mentioned, the practical mischief of leaving a fund raised for one purpose a prey to a needy Chancellor of the Exchequer, who will be always tempted to devote it to another. The good side of this plan we wish to preserve, and people who have considered the subject are pretty well agreed that it can be done by means of Terminable Annuities. The worst of Terminable Annuities—a most excellent proposition for paying the Debt—is, that you cannot get people to take them, and, therefore, the proposal is in some danger of being abandoned. What, then, ought we to do? As the public will not take them, we ought to take them ourselves. The Government has functions besides those of collecting Revenue and paying the Debt; it is a great banker—it has the power of acquiring stock by undertaking the trusts for which that stock is held as security, and it can also acquire stock by purchase, and ought to do so. Therefore, it seems to me that the proper course for the Government is to lose no opportunity, by one of the two means I have suggested—either by taking up stock and discharging the trusts for which that stock is held, or by purchasing, and thus becoming proprietors of its own stock—of becoming possessed of stock, and then to convert it into Terminable Annuities, charging them on the Consolidated Fund, and then, as often as these Annuities fall in, to apply the annual charge on the Consolidated Fund to taking up other stock, to be again converted in a similar manner. This seems to me to be a safe way of dealing with the matter, and I will make no apology for troubling the Committee with this short description of it. We, therefore, propose by the power which is invested by the 29 & 30 *Vict.* c. 5, in the National Debt Commissioners, who are in possession of £7,000,000 of Post Office Savings Bank Stock, to convert that stock into Terminable Annuities, to end in the year 1885, the same year as the £24,000,000 of Annuities, created by my right hon. Friend the First Minister of the Crown, will end. The interest at 3 per cent now paid on this sum is £210,000 a year; and the rate of interest required for the next fifteen years to extinguish this debt of £7,000,000 will be £7 16*s.* per cent per annum, or £547,000. We propose that £400,000 of that sum should fall on the March quarter of this financial year, and £147,000 on the June quarter of the succeeding year. As we have already to pay £210,000 of interest on this sum of £7,000,000, and we have £400,000 to provide for this year, we must place £190,000 as a charge on the Consolidated Fund this year to meet this portion of the annuity. The result will be that in the year 1885 the then Chancellor of the Exchequer—who I hope is now listening to me—will be in possession of a surplus of £3,376,000, the amount of annuities falling in during that year, and I hope he will find some good use for it. This being now disposed of, I may subtract from my surplus of £4,487,000 £190,000, and there remains £4,297,000 at the disposal of the Committee.

Now, I must call attention to another claim on the public Revenue—a claim which I have very anxiously considered, and which I heartily wish I could comply with. I refer to the claim put forward by persons connected with the great interest of Beer. I have received numerous very urgent applications from the brewers in different parts of the country, and deputations in London, on the question of the brewers' licence, and they urge that it is an unjust and unfair burden, and that it is my duty to relieve them. I have promised to give the matter my full consideration, and do my best.

This is the result I have arrived at. They state that they are unable to charge the amount of this licence upon the consumer; for, although the licence is large in amount, they cannot make the consumer pay. I confess I heard that declaration with the very greatest doubt. It seems to me unaccountable that a man having somebody taking money from him on the one hand that he cannot help paying, and others paying him money on the other for things they must have—it seems to me very extraordinary that the concentrated ingenuity of the brewers has, under such circumstances, not been able to hit upon some means of making the consumer bear the burden. It is very easy to show that any reduction we may make will be almost imperceptible in a barrel of beer; but still I cannot help thinking there are certain means of dealing with the quality of the article, and I have no doubt that if the question is reconsidered some means may be found by which the difficulty can be overcome. At present, we have little experience on the subject. The evidence, however, which was taken by a Committee which investigated the licensing system many years ago, points to the fact that the brewing trade differs, in some respects, from other trades. And why? It is a custom in that trade—a custom which, in my opinion, is more honoured in the breach than the observance—that it should purchase public-houses and deal with its own tenants; and, of course, a man dealing with his own tenants has greater power of fixing the price of his beer than if he were dealing with the public at large. Before the Committee, of which I had the honour of being a member, one publican complained that his landlord and brewer sold him beer at the price at which he was expected to retail it. I asked him—"How do you retail it?" "Why, Sir," he replied, with a very solemn look, "we dash it." I said—"What do you mean by 'dashing it?'" He answered—"We turns the New River into it." However, I will take the fact as it was stated to me, and assume that the brewers find it impossible to make any difference in their charges, so as to get this licence paid by the consumer in the first instance. But what does this come to? It comes to this—that a very heavy duty is placed on the general body of brewers, and they say that their trade is very heavily taxed, and that they have no opportunity of recouping themselves from the consumers. Well, what inference ought to be drawn from that? That the competition in the trade must be diminished, because people do not go into a trade—except it be the brewing trade—unless they expect to get money by it. If, therefore, a fair rate of profit cannot be kept up in the trade, people will not embark in it. Consequently, the existing system must act so as to give them a qualified monopoly, by discouraging competition. The trade would not go on unless its profits are equal to those of other trades. If the licence were taken off it would only stimulate competition, which would not cease till profits were again reduced to the ordinary level. Having carefully considered this matter, and having received information from those who are best acquainted with it, I have come to the conclusion that I ought to leave it as it stands.

The next subject I undertook to consider was the extension of the Licence

Duty. Public attention has been greatly excited on the subject, and I shall, therefore, give as full an answer as is necessary to the questions which have caused so much anxiety. The extension of the licence duty was proposed by the hon. and gallant Member for West Sussex (Colonel Barttelot). I undertook to consider it; and after very careful investigation I find I can make nothing of it, and for this reason—it would violate one of the first rules of taxation—namely, the rule that taxation ought, as far as possible, to leave things as it finds them, and not give people inducements to alter their method of trade and do things which do not tend to the improvement of the Revenue. If we taxed every barrel so much, it is evident we should give the brewers the strongest inducement to brew the strongest beer possible and to dilute it afterwards. Why, that is what they would naturally do. On each cask they would pay duty irrespective of the strength of the beer, and afterwards they would make several casks of it. And this also might be done. A man might brew a cask of very strong ale, and after paying the duty make it into three or four casks; he might then export these three or four casks and claim the drawback upon each of them. There would be no possible way of protecting ourselves against such a proceeding. There is, besides, another objection. Without counting brewers who are only brewers, there are about 20,000 publicans and 10,000 beerhouse-keepers who brew their own beer. Now, the proposal is to tax each cask; but in many instances the cask would have gone down the people's throats, and we should never be able to collect the tax. When the Exciseman asked how much beer was brewed, he would be shown a cask or two, and the remainder would be consumed on the premises and would pay no duty. For these reasons I am unable to act upon the ingenious suggestion of the hon. and gallant Member for West Sussex.

Another suggestion, made by yourself, Sir, was that we should return in some degree, though with some modification and improvement, to the old beer tax, which was done away with in the year 1830. Now, I think nobody could recommend that as a fiscal operation. In the first place, it is very difficult to deal with private brewers; but, putting this difficulty aside, we should have to pay £1,000,000 to refund duty which had been paid, while the increase in the expense of collecting the Revenue would be very great. Instead of visiting 9,000 maltsters, as we do now, it would become necessary to visit, in round numbers, about 32,500 brewers, and the expense of it is moderately estimated at £175,000 a year. Therefore, without denying, Sir, that the proposal has many recommendations, and while admitting that it could be carried out, I am not prepared at the present time to make such a sacrifice.

Can there, then, be nothing done in this matter? I think there can, in the way of giving the facility which has been long asked for, and which I sincerely hope will give satisfaction. One class of those who oppose the Malt Tax have a real grievance, and we desire to show that we sympathize with them even when we cannot grant them all they ask. It is put forward as a grievance that by taking the duty on malt instead of on beer, we deprive the agriculturist of very valuable food for cattle, or rather discourage the use of such food for his cattle. It has always been difficult to devise a means by which farmers might be allowed to use malt for their cattle without interfering with the Revenue, and I believe all that ingenuity could do in regard to this subject was done, when my right hon. Friend the present Prime Minister suggested the mixing of the malt with linseed. I think, however, that the problem to be solved was not properly stated. It ought to have been put, not, "How can we allow the agriculturist to feed his cattle upon malt," but, "How can we allow him to feed his cattle on barley which has arrived at that stage which is best suited for the feeding of cattle?" One process which barley undergoes in the manufacture of malt leads to the germination and generation of the saccharine matter, and the second is the kiln-drying, which has no tendency whatever, as I am told, to improve the malt for the purpose of feeding cattle. On the contrary, it is prior to the kiln-drying, when it is not parched up, that the barley is best suited to that purpose. What I propose, then, to the Committee is, that we should permit farmers to steep their own barley and feed their cattle with it. The only precaution necessary to take will be, in addition to the ordinary Excise precaution of liberty to visit the premises, to provide that there shall be no kiln on the premises, or within a reasonable distance of them—say a quarter of a mile—so that we may have a reasonable assurance that the barley is really intended to be used for feeding cattle. I understand that when barley is in such a state that it is ready to be kiln-dried, it is most suited to the feeding of cattle; and the Inland Revenue Department think we can make this concession to the farmer without putting the public to the great loss and injury which would result from transferring the incidence of the tax from malt to beer.

Having disposed of these claims on the surplus, I now come to the Taxes the remission of which I intend to propose.

The first is one which presses heavily on the poor in a double way. I allude to the foot-hawkers' licences. Before a man is allowed to become a foot-hawker he is obliged to take out a £2 licence. Now, this is a hard tax on the man. It is a kind of trade which a man does not usually take up until after he has tried and failed in many others, and this licence duty is a dreadful obstacle to place in his way; and, besides, his poor customers have, in consequence, to pay increased prices for the articles he vends. The whole of the tax is £31,000, and it is one exceedingly difficult and painful to collect, because these people are constantly found to be unable to pay. They are consequently put in prison, and a great deal of misery and uncomfortableness occurs, which any Government would gladly get rid of. Considering the unpopularity of this tax and the difficulty of collecting it, I heartily recommend its abolition on the 1st of October next.

Then there is a certain small licence duty, which I submit to the Committee ought to be abolished—namely, that on still-makers. It is not enforced in England, and it only yields £9 19*s.* 6*d.* per annum. It was originally imposed, I believe, with the view of preventing smuggling; but smugglers do not use manufactured stills, for I have known people who did good execution with a tea-kettle, a gun-barrel, and a bucket of water, and I fancy that a machine a little more complicated than that would suffice to do a great deal. I propose, therefore, to do away with this licence duty.

The next I come to is the licence on sellers of playing cards. It is an expensive duty to collect, and it prevents the sale of stamped cards, and, therefore, the Inland Revenue propose that it should be abolished. The amount of the tax is £1,110.

Next comes the soap-maker. We have abolished the tax on soap, and soap has become like the Ulster custom—there is no legal definition of it. There being no legal definition of it, it is exceedingly difficult to say who is a soap-maker. There are all sorts of abstergent compounds which are on the verge of soap, and it having been the policy of the Legislature to abolish the tax on the article itself, it naturally follows that it would be well to abolish the duty on the soap-maker, which amounts to £1,300, and the collection of which is very troublesome. If the one duty be a tax on cleanliness, the other must be so too.

The next case is that of the paper-makers, to which the same considerations apply. We have abolished the paper duty, and that on the paper-maker may, I think, very properly follow.

Then comes the watch-case maker, who complains of having to take out a licence for working in gold and silver, and then selling it to the wholesale dealer, who himself must be licenced, to buy from those who have taken out a licence. We propose, therefore, to remit the licence in the case of persons manufacturing less than two ounces of gold and a corresponding quantity of silver, and the result of this remission will be a loss of £1,500 to the Revenue. These licence taxes amount altogether to £6,000.

The next head to which I come is that of Stamps. The Stamp Laws, as the Committee are aware, commence in the reign of William III., and are spread over an enormous number of Acts, so that even those most expert in such things have great difficulty in finding out the various instruments to which the law applies. The Board of Inland Revenue, however, are now engaged in preparing a measure for reducing the whole law with respect to stamps into a single Act. This is to be mainly a Consolidation Act. It does not profess to deal in any philosophic or scientific manner with this most complicated and most difficult subject; but if the House will be satisfied to accept it as a consolidation, carefully executed, of the existing law, and will abstain — that most difficult abstention—from entering into the merits of all the stamps which are in operation, it may be possible to pass the measure in the course of the next few months. It will make certain changes in the Stamp Laws, which will be carefully explained to the House when the Bill is under its consideration; and if the House will only exercise a little forbearance, and allow it to pass in this way, I do not despair, as I have just intimated, of its becoming law before the close of the present Session. In order to induce the House to exercise that forbearance several changes will be proposed in the Stamp Laws, one or two of which I may mention; I cannot state them all on the present occasion. There is, in the first place, what is called the progressive duty. That is, speaking roughly, a duty of 10*s*. on every 1,080 words, except the first, and I can scarcely imagine any operation in which the human intellect can be more unprofitably employed than in counting those 1,080 words. The importance of a deed does not at all depend on its length, and deeds not of the first importance, such as leases, for instance, are frequently long, so that the present system very often works very oppressively. This progressive duty it is proposed to abolish, involving a loss to the Revenue of £60,000. Then it is proposed to reduce the duty of 35*s*. on every deed where there is not an *ad valorem* stamp, as well as the 30*s*. duty on letters of attorney to 10*s*. each. In the case of copyhold there is a great hardship. Instead of getting into a copyhold by a single conveyance you are obliged, as everybody knows, to have two conveyances—one of surrender and one of admittance. It has been hitherto the practice to tax both; but we propose for the future to place the tax on the surrender, which will involve a loss of about £20,000. There will be a total remission of £200,000 on stamps, £50,000 of which will fall on this year, as the Act will not come into force till the 1st of January next; but that is only to be got through the forbearance of the House. If the House should go into every detail, it will be impossible to pass the Bill to which I have referred, and if the Bill be not passed we cannot very well get rid of the tax.

Then there are some small stamp duties on insurances. My hon. Friend the Member for South Norfolk (Mr. C. S. Read) has called my attention to the duties on hailstorm, cattle, boiler, and plate-glass insurances, amounting to £1,000. These duties we propose to abolish. They seem to us not to be worth the trouble and cost of collection.

The next point which invites attention is that involved in the proposals of the hon. Member for Liverpool (Mr. Graves) with respect to the Remission of Postage. It is now my duty to make good the undertaking which the hon. Gentleman received on that subject from my right hon. Friend at the head of the Government the other evening. A newspaper with an impressed stamp circulates free for fifteen days. It is the last relic of the old taxes on knowledge. The law is complicated and leads to fraud by the abuse of free transmission. An unstamped newspaper now goes at the rate of 1*d*. for every four ounces, and every fraction of four ounces. About 35,000,000 newspapers pass through the Post Office annually with an impressed stamp, and about the same number without. What we propose to do is to abolish the impressed stamp altogether, at a loss to the Revenue of £120,000; but the remission will not come into effect until the 1st of October next, so that the loss for the present year will be only £60,000. Then we propose to carry all newspapers which weigh less than six ounces for a halfpenny. That will be limited to *boná fide* newspapers; but we propose, instead of 1*d*. for every four ounces and fraction of four ounces, to charge one halfpenny for every two ounces and every fraction of two ounces of other printed matter. There will in this way be a loss to the Post Office, over and above that incurred by the abolition of the impressed stamp, of £250,000, of which £125,000 will fall upon the present financial year. There may be besides some additional expense in connection with building and the increase in the number of persons to be employed; but this has not been estimated for, and the amount cannot be very large. I think, then, that in making this proposal, we have completely redeemed the pledge which my right hon. Friend at the head of the Government gave the hon. Member for Liverpool on this subject.

I now turn to the subject of Railways, from which a considerable Revenue, amounting to £495,000, is derived. Being a means of locomotion, they have some right that their claims should be placed, in some degree, on a level with those other interests connected with locomotion in whose case taxation was remitted last year. I cannot consent that they should be entirely put on the same level, because they enjoy a certain qualified kind of monopoly. The tax levied on railways is 5 per cent on passengers; there being an exemption in favour of third-class passengers who are conveyed in trains approved by the Board of Trade, running once a day, and stopping at every station. This is a duty which it is exceedingly difficult to collect. I find that the gross receipts from all the railways in England for the year 1869 was a little more than £38,000,000. This was divided into £23,000,000 for passengers, and £15,000,000 for goods. Now, it seems to me to be unjust in taxing railways to pick out a particular class of traffic. I do not see why a tax should be put on passengers, except to enforce the regulations of the Board of Trade, and I think it would be better to tax the traffic as a whole. We propose, therefore, to abolish the 5 per cent duty and the exemption, leaving the Act to be enforced by the Board of Trade. The matter will require a good deal of consideration, for I regret to say there is already a litigation between the Inland Revenue Department and the railways as to their compliance with that Act. But the effect of taxing the whole gross traffic by railway, putting on 1 per cent, would be that I should receive, instead of £494,000, as I do now, a Revenue of £387,000, being a remission of £107,000. This remission will, of course, act differently upon different railways, according as their principal traffic consists of passengers or of goods. The greater number of railways would be benefited. Taking the railways whose receipts annually exceed £1,000,000, I find that the Great Eastern, the Great Western, the North Western, the South Eastern, and the London and Brighton would be among those which would be benefited, while the Caledonian, the Midland, and the North Eastern would lose something by the change. On the whole, I believe it would be a fair way of collecting the tax, and it is only just to do something towards remitting the taxation on railways, and placing them on a level with other locomotive interests. [An hon. MEMBER: Will this change be immediate?] Yes, I should think so. I still have a considerable portion of the surplus to deal with. [An hon. MEMBER: How much is left?] Between £3,000,000 and £4,000,000, and the question is, what shall I do with it? The answer to the question depends upon the view one takes of taxation, and, if the Committee will allow me, I will say a few words on that subject. People argue between direct and indirect taxation, until the advocates of each seem to forget the nature of taxation altogether. At the best, taxation is a great misery; but some persons become so enamoured of the particular side they take in this controversy, that they argue as though what is a positive evil may become a positive good. One set of economists says all taxation should be direct. Another says all taxation should be indirect. I can agree with neither. There is good and evil in almost any tax. Direct taxation is an immense advantage, for it takes less out of the pockets of the ratepayer than indirect taxation takes; but it has a dreadful disadvantage, for it is compulsory, and, although it is more economical, you force a man to pay at a time when payment may be ruin. Indirect taxation, again, is more extravagant than direct taxation, giving less money to the Exchequer in proportion to that which is taken from the taxpayer. On the other hand, it is optional, and with a little self-denial a man may in this country absolutely exempt himself from the payment of indirect taxes. I cannot, therefore, go with either party in this matter. It seems to me that the worse tax in the world is better than none at all when there is money which must be raised; and good sense should teach us not to be too theoretical, but try to bear with the taxes we have rather than narrow too much the basis of taxation.

I will not pursue this matter further, but I may state what I believe is the true principle of taxation. I will illustrate it in this way — In Dr. Carpenter's account of his recent researches in the Arctic Ocean, he tells us that the results of dredging were to show the existence of little animals at the bottom of the ocean under a pressure of three tons to the square inch. How do they contrive to live under such conditions? Because the pressure is equalized; and that should be the principle of taxation. The Chancellor of the Exchequer is a man whose duties make him more or less of a taxing machine. He is intrusted with a certain amount of misery which it is his duty to distribute as fairly as he can. Now, suppose, instead of pecuniary misery, it was physical pain which he had to distribute. How would he distribute it? According to the advocates of these different schools, he would pick out a certain number of persons, drive them raving mad with tic-douloureux or gout, and exempt all the rest of the community. That is not just. He should just contrive to make everybody a little uneasy, so that life, if not enjoyable, should be at any rate tolerable. That is my notion of the true theory of taxation. Do not trust everything to a few great branches of Revenue, or trample down particular interests because you may have a sentimental dislike to certain modes of raising money for public service; but consider the worst tax that which is strained to the utmost, and remember that the strain of taxation may be made most tolerable by spreading it over a number of articles. If each tax is moderate in amount, the whole aggregate of taxation will be felt as light; whereas, if you have likes and dislikes, and indulge your theories, you may put an intolerable pressure on one class, or give undeserved ease to another.

These are the views which I entertain with regard to taxation, and therefore I am not willing, as far as my opinion may have any weight with the Committee, to let go any great branch of Revenue that is levied with tolerable ease and without any grievous pressure.

I have received many deputations respecting the income tax, and I concede that a good deal may be said against this tax; but, as I am not prepared with a substitute for it, I must continue the tax at such a moderate rate as will make it tolerable to those who pay it, preferring to give them a little uneasiness and discomfort, than to strike out so great and useful a branch of Revenue.

Then I am told of the expediency of remitting duties on the cups which cheer and do not inebriate, with their concomitants. I do not wonder that such a remission commends itself to many people. But if I take off these taxes, I must put a heavy pressure elsewhere. Besides this, I hold that everybody should contribute, however small his contribution, to the Revenue. We must also look to taxation, not as with reference to this moment, but to the future. At present we are prosperous and at peace; but the indiscretion of a subordinate official—half-a-dozen glasses of wine too much, drunk by somebody in a responsible situation — the merest accident, may involve us in trouble, from which there is no refuge except in enormous outlay. We must look at this, not merely in the light of the present—

> "Metuensque futuri,
> In pace, ut sapiens, aptârit idonea bello."

The strength of this country lies mainly in the facility she possesses for raising, at any time, as much money as she requires, and in her power of borrowing at a lower rate than any other Power, which no envy or detraction can explain away, and which confronts all her detractors. Without wishing to disparage the work of my right hon. Friends, I hold that her power of borrowing as much as she requires, and of raising any Revenue which may be required, gives more strength to the country than the aggregate amount of our fleets and armies at any given moment. It is her latent strength, not what you see, but what you do not see, that is chiefly formidable. I am most anxious to husband and watch over these latent resources; and therefore, while reducing the burdens of the people to the very lowest possible amount, I shall not willingly let go altogether any branch of Revenue which I think can be collected without imposing great suffering upon the community. Acting on these principles, I propose to reduce the income tax to the point at which it stood before the Abyssinian War. That will take 1*d.* off. [An hon. MEMBER: How much will it stand at?] I am glad that some hon. Gentlemen do not seem to be aware of the present amount of the tax; it will now be reduced to 4*d.* in the pound. I also propose—though it is a small matter—that wherever we can find large employers of labour, especially companies, but occasionally private persons, we should extend to them the principles of Schedules B and E, requiring them to return the persons in their employment receiving salaries, and probably treating the income tax in this case in the same way as in the case of a farmer, under Schedule B. This reduction in the rate of the income tax will absorb £1,250,000 of the surplus.

The Committee will be pleased to hear that I come now to the last, and also the greatest of my reductions. There is no occasion for me to expatiate upon the qualities of the article with which I am about to deal, for it is one which has taxed to the utmost the eloquence of almost every Chancellor of the Exchequer—I allude to the great article of Sugar. Sugar is not a stimulant, but it is, in the highest degree, a nutritive. It enters not merely into that morning meal which is now so much regarded, but also penetrates into the regions of dinner, and appears occasionally at supper, and sometimes even after supper. Anyone who watches the course of events in this world will know that it is an article of the utmost interest. The state of tropical agriculture is one of revolution. Slavery is nearly abolished, and we know not exactly what is to take its place. I cannot doubt that we shall do something towards facilitating the arrangements which are destined to replace slavery, whatever those arrangements may be. The Chinese race seems to be bringing this about, and will possibly be found the great growers of sugar in the future. Singularly enough, in Australia, between the 30th and 26th degrees of South Latitude, a sugar-growing industry has arisen among the smaller settlers, possessing their 100 acres of land, and has been very successful. Of course, we know that the beetroot industry of the Continent seems to have got over its difficulties, and to be spreading very widely. There is also the prospect of the growth of beetroot, with this object, in our own country; and if we could hope for anything so good as that it should be introduced with success into the South of Ireland, it would be one of the greatest blessings that could possibly befall that country.

The duty collected on sugar during last year was £5,507,000. The rate of the duty was reduced by one-third by the present First Minister of the Crown in 1864, when the quantity consumed in the kingdom was 10,754,000 cwt. Last year the consumption was 11,796,000 cwt, and these figures show the moderate progress of 9 per cent. I do not think it would be an advisable course to dally and trifle with such a consumption as this; the trade would suffer from such treatment, as it has suffered in past years from anticipations of change. In accordance with the principle I have already laid down, I think the best plan is to make a good sweeping change once for all, and let sugar have rest.

The change I propose to make is to reduce the duty on sugar one-half. That will involve a sacrifice of £2,350,000. I wish it to be clearly understood that, in making this proposal, I am not preparing the way for either further reduction or for abolition, but that I have gone as far as I intend, and make this declaration in order to give stability to the trade, and free it from periodical annoyance, owing to apprehensions of change. The question arises —what arrangements are to be made for giving effect to the reduction of duty? In 1864, when the duty on raw sugar was reduced, unrefined sugar was admitted after a delay of six days, after which three weeks were allowed to refiners, during which no refined sugar was allowed to be imported. I do not propose to allow the six days in the present instance; but I propose that the duty upon raw sugar shall be reduced one-half immediately upon the reporting of the Resolution to the House, and that the duty on fine sugar shall be maintained for three weeks, with the object of enabling refiners to work off their present stocks or to export them for the purpose of obtaining the drawback.

The delay with regard to "pieces" which occurred in 1864 would be out of place now; its object then was to enable existing stocks to be worked off; but the process of manufacture is now so much accelerated, that were a similar period now allowed, the sugar which has paid the lower duty could be imported, manufactured and the drawback claimed. Therefore, the proposal we make is, that from and after the passing of the Resolution we shall remit the duty as regards all sugars except refined sugar, the remission upon which will take effect in three weeks. The matter has been very carefully considered, and although our plan may not operate wholly without hardship, I hope the Committee may be induced to acquiesce in it, for I can hold out no hope of its being altered. I am afraid there will be hardship somewhere; but the idea that something of this sort would be done has so much limited the delivery of sugar from bonded warehouses during the last three months that I believe the stocks of duty-paid sugar are very low, and the loss will be inconsiderable. [An hon. MEMBER: Are the duties to be equalized?] No, certainly not. I will state exactly what the duties will be. We are under treaty not to equalize them, but to reduce them all in the same proportion. The new duties will be as follow:—On refined sugar 6*s.*; on first class, 5*s.* 8*d.*; on second class, 5*s.* 3*d.*; on third class, 4*s.* 9*d.*; on fourth class, 4*s.*; and on fifth class, or molasses, 1*s.* 9*d.*

I have omitted one explanation with regard to sugar. The law at present is that the duty is paid when sugar is taken out of the warehouse and not upon its landing, and the consequence is that there is a re-weighing of it when the sugar is going away. This does not apply to sugar in bags. I propose to charge the duty henceforth on the landing weight, not on the weight when sugar is taken out of bond. As so large a reduction in the duty has been made it is not unreasonable to make this change. The present system allows a small reduction in the weight upon which duty is charged, which was never much above 4 per cent, and generally did not exceed 2 per cent; but still it is a reduction, and has to be accounted for. Now, this is just an instance in which you give only a small benefit but where a great public expense is incurred. As we reduce the tax so much it is not unreasonable to demand that in future the law should be altered, and that sugar should be paid for upon the weight on landing. I believe that the difference will hardly ever amount to 2*d.* per cwt., and that only upon a particular class—namely, moist sugar. It has, however, added very seriously to the expense in collecting the Revenue, and it is our duty, and is therefore our intention, to repeal that section of the Act, and to ask that the duty may be paid in future on landing, and not on leaving the warehouse.

I will now recapitulate the proposed remissions of duties, which are as follow:—The licences for foot-hawkers, which are abolished from the 1st of October, will cost us £16,000 this year; the abolition of licences for paper-makers, soap-makers, watch-case-makers, still-makers, and playing-card dealers involves a remission of £6,000; the abolition of stamps on hailstorm, cattle, boiler, and plate-glass insurance from the 1st of July involves a remission of £1,000. The revision of duties under the Stamps Consolidation Bill, which is to take effect from the 1st of January, 1871, will involve a remission of £50,000; in impressed stamps for postage on printed matter abolished from the 1st of October we remit £60,000; in the rate of postage on printed matter and newspapers, which is reduced one-half from the 1st of October, we remit £125,000; by the alteration of the duty on railways we remit £108,000; by taking a 1*d.* in the pound off the income tax we remit £1,250,000; and by reducing one-half the duty on sugar and molasses we take off £2,350,000. The surplus we have to deal with being £4,297,000, and the remissions amounting to £3,966,000, there will remain a net surplus of £331,000.

I think there is much in the statement I have made that must be subject of congratulation to all. It is very gratifying to us that the Revenue is becoming once more elastic; it is gratifying to us to be able to pay off so much of the Debt in the year, and to see our way to paying off several millions more by the working of the quarterly surplus; it is gratifying that we have been able to secure, without loss, a sum so large as £4,480,000; and it is gratifying, after all charges are met, that we have so considerable a surplus. The secret of all this success is the simplest in the world—it is nothing on earth but economy. I see no reason why the House should not give us encouragement to proceed in the course upon which we have entered; and I see no reason why we should desist from operations which have been attended with so satisfactory a result.

I can assure hon. Members we cannot better discharge the trust reposed in us than by lightening the burdens on our fellow-subjects; and I trust they will consider it is not merely by talking about economy that these things are done, but that something is required from them as well as from those intrusted with the public expenditure. Lay down for yourselves clearly and distinctly what is the real and legitimate province of the Government, and make it a rule never to press upon the Government anything beyond that province; for such a course will give more power and strength to the Government, and reflect more honour on this House, than many more brilliant efforts of oratory or legislation.

I now place in the hands of the Chairman the first Resolution, which I hope the House will have the goodness to pass to-night, in order that it may be reported to-morrow, because it is of much consequence that the matter should be settled immediately.

Motion made, and Question proposed,

(1). "That, towards raising the Supply granted to Her Majesty, on and after the under-mentioned dates, in lieu of the Duties of Customs now charged on the articles under-mentioned, the following Duties of Customs shall be charged thereon, on importation into Great Britain or Ireland, viz.:

On and after the second day of May, one thousand eight hundred and seventy,—

		£	s.	d.
Sugar, viz.:—				
Candy, Brown or White, Refined Sugar, or Sugar rendered by any process equal in quality thereto, and manufactures of Refined Sugar	the cwt.	0	6	0

On and after the thirteenth day of April, one thousand eight hundred and seventy,—

		£	s.	d.
Sugar not equal to refined:—				
First Class	the cwt.	0	5	8
Second Class	,,	0	5	3
Third Class	,,	0	4	9
Fourth Class, including Cane Juice	,,	0	4	0
Molasses	,,	0	1	9
Almonds, paste of	,,	0	4	8
Cherries, dried	,,	0	4	8
Comfits, dry	,,	0	4	8
Confectionery, not otherwise enumerated	,,	0	4	8
Ginger, preserved	,,	0	4	8
Marmalade	,,	0	4	8
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated	,,	0	4	8

And that the said Duties shall be paid on the weights ascertained at landing."

Mr. WHITE said that, looking at the magnitude of the surplus, which was, however, he thought under-estimated by about £2,000,000, he was much disappointed to find so little done in the remission of indirect taxation. While the Chancellor of the Exchequer was under no necessity, for party objects, to make reductions that would impair the future efficiency of the Revenue, it would appear that he had no ambition to earn the gratitude of the people, like Lady Godiva, who—

> "Took the tax away
> And built herself an everlasting name."

He must say, after having watched the career and studied the idiosyncracy of the Chancellor of the Exchequer, that the right hon. Gentleman seemed to him to be imbued with a morbid horror of popularity; and, if that were so, he would feel supreme satisfaction in having extracted from the pockets of the people in the year ending March last, an amount greater than was ever before levied in the course of one year in any European nation, either in a time of war or peace. Contemporaneously with this vast draft on the resources of the people, there was a large increase in local taxation. Imperial and local taxation for the past year had together reached the stupendous and unprecedented total of quite £95,000,000. Hence, deducting paupers—now about 1,500,000—soldiers, sailors, women, and children, who did not contribute to the Revenue, the 10,000,000 of rich and poor who did contribute would have last year, on the average, paid £9 10*s.* per head. The immense sum of £75,500,000, raised by Imperial taxation in the year ending on the 31st of March last, was greater by £3,000,000 than the amount raised during the height of the Crimean War. The right hon. Gentleman had indulged in exultation at the financial prosperity of the country, although it was notorious that, during the last 12 months, the country was still writhing under the great monetary crisis of 1866. If, at the present time, they inquired into the state of pauperism, they would find that one in 20 of the population was a pauper. It had been truly said that pauperism was a growing and wasting cancer in our body politic. It had been described by a Commission, appointed by the National Assembly to inquire respecting the poor in France, as "la plaie politique la plus dévorante de l' Angleterre." The paupers relieved in the metropolis in the last week of March last numbered 163,677, as against 151,803 in the last week of March, 1869. Taking the whole of England and Wales, the number of paupers relieved in the first week of January, 1870, was 1,024, 683, as against 991,537 in 1869. He knew that it was said that the great amount of pauperism was concentrated in large cities and manufacturing towns, and that there did not exist the same amount of distress in country districts. All he could say was, that in the eastern division of the county with which he was connected the number of vagrants relieved during the last year was 45,236, as against 20,942 in 1866. He ventured to think that this growth of pauperism was mainly due to the heavy exactions of our fiscal system, and that, as the Premier had once stated, the savings of the people were largely absorbed by the vast national expenditure which of late years had been indulged in. The President of the Board of Trade, whose enforced absence from their deliberations he most deeply deplored, said to his constituents, on being re-elected after accepting Office—

> "Rely upon it that so long as Parliament exacts from the industry of this people £70,000,000 a year, there is no power on earth can raise your poorer and suffering population from its present position."

In the present year, the same right hon. Gentleman, addressing his constituents, observed—

> "I tell you no Government deserves the confidence and support of the people of this country, which cannot carry on the administration in a manner consistent with the dignity and security of the nation for a smaller sum than £70,000,000."

Nevertheless, during the last year, a larger sum by £5,500,000 had been drawn by taxation from the industrial resources of the country, at a time, too, of general distrust and privation, owing to the collapse of railroad and other joint-stock enterprizes. Although the present Government had done something in the way of economy, they had not satisfied him or the public at large. In fact, it seemed a very difficult thing for any Government to give up the habits of profusion engendered by former wars, and its own inherent tendency to extravagance. The present Government required £67,100,000 for the services of the year. Now, 20 years ago, when Government asked for only £54,000,000, Mr. Cobden moved a Resolution that that demand was excessive, and should be reduced to £44,000,000. Mr. Cobden very wisely recommended that, instead of attacking items in detail, they should attack them in the gross; and he himself had always held that, when the Chancellor of the Exchequer brought forward his Budget, the condition-of-England question ought to be discussed. The sum of £67,113,000 required by the Chancellor of the Exchequer was £13,000,000 in excess of what, on the average, sufficed during the 10 years previous to the Crimean War. The sum then required was £54,000,000. On a former occasion, when he said something of this sort, his figures were questioned; but they had since been carefully collated, and verified. Then, he would remark, the Chancellor of the Exchequer, in his estimate of the surplus for the coming year, had understated it considerably. Such, indeed, was, of late years, the ordinary habit of Chancellors of the Exchequer, in order to restrict importunate demands for remissions of taxation, they estimated the return of the Revenue at a much lower figure than it produced when the year had expired. That was especially the case with the Premier when he was Chancellor of the Exchequer, and the income during last year had considerably exceeded the original estimate of the present incumbent of that office. With taxation on its present basis, the income of the Chancellor of the Exchequer for next year—assuming low prices for corn, and increasing supplies of cotton—would certainly be £73,000,000, and, therefore, he would have a surplus of £6,000,000 to dispose of. He complained of our present fiscal system, under which property paid too little, and poverty too much. On the £67,113,000 required for the service of the year, not more than £17,000,000 could fall directly on the propertied class; the remainder would have to be made up by those who earned their income either by the exercise of their brain or the labour of their hands. Talking of the Government expenditure, it would not be inopportune to quote what the Prime Minister had told them in 1863. He said—

> "It must be always borne in mind that when we speak of the expenditure of the Government, we speak of that which is taken in great measure out of the earnings of the people, and which forms, in no small degree, a deduction from a scanty store which is necessary to secure them a sufficiency. I do not say of the comforts of life, but even of the prime necessaries of clothing, or shelter, and of fuel."

The Chancellor of the Exchequer informed them, that in the year ending March 31, 1871, he estimated that they would raise—from Customs, £21,650,000; and from Excise, £21,640,000; being together £43,290,000, three-fourths of which were raised from the working classes who, as the Prime Minister once told them—

> "Were so poor" (and their condition had not since improved) "that the great majority were compelled to expend all their earnings on the bare necessaries of life."

And the President of the Board of Trade said in November, 1868—

> "The amount which they (the working classes) contributed in proportion to their means and income was very much larger than the amount which was contributed by other and richer sections of society."

For himself, he must say he did not hold that the supreme art of Government consisted in extracting from the pockets of the people the largest possible amount of money without their knowing it, or even in taking money out of one pocket to put it into the other. Mr. Dudley Baxter, the Conservative statistician, in his work, *The Taxation of the United Kingdom,* pointed out that in the year 1868 the taxes on alcoholic liquors and tobacco contributed, through the medium of the retailer, in hard cash the sum of £29,120,000, which sum he estimated to amount—

> "To an income of 10*d.* in the pound on the gross income of every man, woman, and child in the United Kingdom."

He regretted that the Chancellor of the Exchequer had not directed his analytical and powerful mind to our whole system of taxation, instead of merely glancing at it, and if he did so, he did not think the result would be so eminently satisfactory as he seemed now to think. The late Sir George Lewis, when Chancellor of the Exchequer, laid on the Table an account of the consumption of tea and sugar by the working classes, in which it was stated that the working classes spent one-eighth of their earnings in tea and sugar. That such an inquiry as he had suggested was not wholly alien from the taste of the Chancellor of the Exchequer he inferred, because in his last Budget speech the right hon. Gentleman, when recommending the abolition of the 3*d.* per cwt. duty on corn, said—

> "It was computed that if a man and his family ate nothing but bread, that (at the then duty of 3*d.* per cwt. on corn) would be equal to something like an income tax of 1½ per cent."

A Return which had recently been issued by the Poor Law Board, of the average rate of weekly earnings of agricultural labourers in the Unions of England and Wales, for the quarter ending Michaelmas, 1869, enabled him to calculate the proportion which that class contributed to the taxation of the country. Taking their average earnings at the rate of 12*s.* 6*d.* a week, and assuming that each man consumed a pint of beer daily, and 2 oz. of tea, and 1 lb. of sugar weekly, this would represent a contribution equivalent to an income tax of 7*d.* in the pound on his earnings. The pressure of taxation of this kind upon the humbler classes was still more clearly seen in the case of spirits. Of the price of every pint of beer a farthing went into the Exchequer; but the duty chargeable upon spirits was nearly ten times heavier; every man, accordingly, who, desiring a little alcoholic stimulant, had a quartern of gin, paid 3*d.* to the Chancellor of the Exchequer. But if an hon. Member, wishing for similar alcoholic excitement, drank a bottle of Château Margaux—though this was 20 times the price of the gin—his contribution to the Chancellor of the Exchequer would be only 2*d.* Then, with regard to tobacco, which yielded £6,500,000 to the Customs duties, an hon. Member who smoked his regalias paid only 5*s.* a pound duty, or about 12½ per cent on the retail price; but upon a poor man smoking his pipe of tobacco, taxation was at the rate of 75 per cent of the retail price, or more than six times as much as the rich man would pay. With rare exceptions and partial alleviations, the whole tenour of our recent fiscal policy had been, if not to make the poor man poorer, but unquestionably to make the rich man richer. Upon almost every article which could minister to a cultivated taste or enhance a refined luxury the duties had been taken off; wine that was worth 50*s.* per gallon paid no more than wine that was worth 1*s.* a gallon, unless it contained a greater proportion of alcohol; but on articles affecting the poorer classes no corresponding reductions had been made. The malt tax, for instance, yet remained untouched. Contemporaneously, too, with the abolition of all duties upon silks, laces, gloves, and other foreign luxuries, the duties upon British spirits had been augmented in England by 27 per cent, in Scotland by 172 per cent, and in Ireland by no less than 275 per cent. He was willing to recognize the Imperial necessities as well as the moral considerations which had induced our statesmen thus to fix the duty upon spirits at the highest possibly maximum; but in doing this regard should have been paid to the classes by whom this increase was paid, and some equivalent ought to have been afforded them by the abolition of duties on articles of such general consumption as tea, sugar, and coffee. He would not conceal his distrust of any system of fiscal policy which thus retained and augmented the privileges of the wealthy, while pressing unduly on the poorer classes. Now that the number of commodities upon which Customs duties were levied had been reduced to 10 principal, and 55 kindred articles, he found by the Customs' Returns for the year ending March 31 last, that from those 65 dutiable articles £125,000 more had been received than from 1,092 dutiable articles in 1847. Eight years ago, when he had occasion to investigate the question of the incidence of taxation, it was proved from the results of sales at co-operative stores at Manchester, Rochdale, and elsewhere, that an artizan, earning 25*s.* a week, with a wife and three children, by his consumption of dutiable products, was, in effect, taxed to the extent of 20 per cent of his income. Happily, things had somewhat improved since then; but with the duties at present levied, and the enhancement of prices consequent thereon, the artizan population was now mulcted by indirect taxation fully 12½ per cent of their incomes, or, in other words, an amount equal to an income tax of 2*s.* 6*d.* in the pound. No doubt, according to the Chancellor of the Exchequer's argument, people might escape taxation by abstaining from the use of tea, sugar, and coffee, &c., but push that argument to its limits, and what did it come to? Why, that we should escape payments for clothing if we were contented, like our ancestors, with a colouring of woad, and should live at less cost, if we satisfied ourselves with the aboriginal acorns. If the doctrine of abstaining were seriously recommended, there were many things that persons in higher stations, having so many other sources of enjoyment and happiness open to them, might forego with ease, compared with the poorer classes, whose sources of enjoyment were unhappily exceedingly few. He was thankful to the Chancellor of the Exchequer for the remission of one halfpenny per pound of the duty on sugar, which he had announced, but he (Mr. White) was disposed to believe that he ought to have now abolished that duty altogether. By doing so a very great boon would have been conferred, not only on the consuming and commercial, but especially on the agricultural interest, for a new and most important manufacture—that of sugar from beet-root might have been established in this country. Mr. James Duncan, at Lavenham, had proved that the manufacture of sugar in this country from beet-root was taken out of the category of experiments, and if a sufficient supply of roots were furnished it would become a profitable industry. Farmers, moreover, might feed their stock with the pulp after the saccharine matter had been extracted. The Chancellor of the Exchequer would have earned himself an everlasting name if he had had the courage to sweep away the duty on sugar. He did not desire to exempt the working classes altogether from taxation, and it would, in fact, puzzle the right hon. Gentleman to devise any system of taxation that would not, in a greater or less degree, bear upon labour, or the products of labour. In this country everyone should contribute to the Revenue in proportion to his means, and a Committee on the incidence of Imperial taxation was a necessary, and, indeed, indispensable preliminary to legislation upon or revision of local taxation, in regard to which a Select Committee was now sitting. Imperial and local taxation ought to be considered as a whole, and only in this way could any system of taxation be put in an honest condition, by everyone being assessed in just proportion to the burdens of the State, and the Revenue each one earns or enjoys under its protection. The Chancellor of the Exchequer, two years ago, in addressing his constituents, used these memorable words—

> "Economy is little regarded in these days, but I believe extravagance to be doubly an evil, as a needless waste of the money of the people, and as a sure sign of inefficiency. The true way to save is not the cutting down of single items, but a more complete organization of our departments, and the determination that for whatever the country spends it shall have full value in labour, talent, or materials. The Revised Code has saved us £500,000 a year, but it has been by making the Department of Education more efficient."

This was quite true. The right hon. Gentleman deserved the highest credit for what he had done when Vice President of the Committee of Council on Education, and he trusted that his past success at the Privy Council Office would encourage him to insist upon the adoption henceforward of that cardinal principle of sound administrative policy—the payment by results—in every State Department. The national expenditure would then be importantly diminished, and our taxation would not then be so repugnant to the moral sense and intelligent convictions of vast masses of our fellow-countrymen, as it would be alike consonant with fiscal equity and impartial justice.

MR. BARING: I have no wish, Sir, to enter into the details of the generally satisfactory statement made this evening by my right hon. Friend the Chancellor of the Exchequer, and I should not have said a word if it had not been that I think one portion of his statement ought not to pass without comment. I refer to the description which he gave us of the mode in which he raised the money due for the purchase of the Telegraphs by the sale of stock. He takes credit to himself that this was effected without any publicity and without, as he says, even the newspapers becoming aware of it. That would be very clever on the part of an ordinary stockjobber or a stock operator; but it is a method that no Government ought to pursue, and one which in the long run cannot tend to its public credit, nor do I believe it is fair to the public at large. My right hon. Friend said that he borrowed £4,500,000 from the National Debt Office, using the funds of the savings-banks and other resources, and sold £2,500,000 on the market without anybody being aware of it, and that he did it without any pressure upon the price of the Funds. That may be very true; but those sales were effected at a time when the prices of other stock were rising, and it is clear that a rise in Consols was anticipated in proportion as the price of other stock rose. But while this was going on there was a man in a mask—a man behind a curtain, who was engaged in an operation which could not fail to prejudice the market and those who dealt in stock. I do not mean to say that this operation has affected public credit; but for a Government, I maintain, the most politic, the most advantageous course in general is the one which is most straightforward and fair, and it is the only conduct which can be pursued in this country without at some time or another injuring public credit. I must enter my protest at least against these operations. It is not right that the Chancellor of the Exchequer should sell stock at his own pleasure, without any publicity of his intention, and without any notice of his intention to those who deal in them. My right hon. Friend will, I am sure, believe that I intend no disrespect to him personally when I say that it is not becoming on the part of the Government to become a dealer in stock in secret. The only way is for the Chancellor of the Exchequer to declare openly his intention and the mode in which he operates, and leave it to competition to fix the price.

MR. CRAWFORD said, he trusted some short time would be allowed to traders to get rid of their heavy duty-paid sugar. There was a large quantity of semi-refined sugar on which a duty equal to 11*s.* 3*d.* had been paid, and in sharp active competition with which would, in the next few days, be brought the sugar from abroad. He had no doubt that the statement which the Chancellor of the Exchequer had made was fully known by that time at

Brussels, Paris, and other centres of sugar-refining abroad, and he thought it but fair that the holders of large stocks of semi-refined sugar in this country should have a short time allowed them during which they might get rid of their stock. On a former occasion eight days were allowed. He would not even ask for that extension. Would the right hon. Gentleman grant three days, or, as Friday was a holiday, extend the time to Saturday? He had had an opportunity of conferring with several representatives of the sugar-refining trade outside the House since the Chancellor of the Exchequer had made his statement, and they had charged him to state these views to the Chancellor of the Exchequer and the Committee, and he earnestly hoped that the right hon. Gentleman would see his way to granting their request. He had heard with great satisfaction the statement of the Chancellor of the Exchequer about sugar, though he could wish that the right hon. Gentleman had dealt with the duty on coffee. He would remind his right hon. Friend of this—that whereas in the purchase of tea a highly manufactured article was bought which might be at once consumed, in the case of coffee the article was bought in a raw state and had to go through a considerable amount of preparation before being brought into use. Take a certain description of coffee, worth in the market 65*s.* per cwt. This coffee sold for 112*s.* when roasted and fit for consumption. A duty of 3*d.* per lb. was 28*s.* per cwt., which appeared to him to bear very unequally and unjustly on coffee. The consumption of coffee for the last 10 years had gone steadily down from 1lb. 10oz. per head of the population to 15oz. He was assured, on good authority, that if coffee had been selected as the article on which the duty was remitted the consumption throughout the kingdom would have been doubled. That would have brought no gain to the Revenue; but it would have made a wholesome article to be very much more used by the great mass of the population. With respect to the question of stamps, he would like to ask the right hon. Gentleman whether he had considered a proposal which had been made to him. Under an existing Act of Parliament railways before issuing their bonds were privileged to commute the duty on transfer by the payment of a composition. What he wanted to know was, whether the Chancellor of the Exchequer would not consider the propriety of extending that privilege to corporations and other persons who might have occasion to raise money for the public service within their districts. At present the duty to which these bonds were subjected was so heavy as to be a positive bar to their circulation. Stock was raised by the Metropolitan Board of Works four or five months ago; but that stock could not be transferred except upon the payment of 2*s.* 6*d.* per cent for every transfer. The consequence was, that it would not be held by any banker or any one who held stock for the ordinary purposes of his business. It would be only fair that corporations, by the payment in the first instance of a composition, say of 10*s.*, should be relieved from the necessity of paying a duty of 2*s.* 6*d.* upon every transfer. He entirely concurred in the proposal of the Chancellor of the Exchequer with regard to Terminable Annuities for the reduction of the National Debt. As to the Budget generally, he reserved his opinion till he had further time to consider it.

Colonel BARTTELOT said, he wished to make two appeals to the right hon. Gentleman. The first related to a question which had not been well understood throughout the country—he meant the operation which had been effected last year with respect to the assessed taxes. He wished the Chancellor of the Exchequer to make a concession with regard to farm-horses. The right hon. Gentleman had stated that they ought to have paid duty when they carried materials for repairing the roads; but that never had been the case, and it was essential that our roads should be repaired as cheaply as possible. If these horses could not draw materials without paying duty the repairs would be confined to a very few hands—namely, those who had paid licence duty for their horses. If necessary, a short clause might be framed which would set the matter right for ever. In this Budget the right hon. Gentleman had not yielded much to the agricultural interest. It was true he allowed them to sprout their barley for feeding purposes, a privilege they had possessed some years ago; but, after the conciliatory speech of the right hon.

Gentleman the other night and the pleasant face he put on upon that occasion, they certainly expected a little more. The Chancellor of the Exchequer was going to reduce the sugar duties by one-half, and, therefore, he was going to put another commodity to compete with barley in the making of beer. If the duty on sugar was reduced by one-half they would have a considerably greater quantity used in brewing than at present; barley would be so far supplanted that the agricultural class would be in a worse position than before. There was a certain duty now paid on sugar when it competed with malt in brewing, and he hoped it would be continued.

THE CHANCELLOR OF THE EXCHEQUER: That is so. It is provided for by one of our Resolutions.

COLONEL BARTTELOT: As the right hon. Gentleman had taken the 1*s.* duty off imported corn and flooded the country with an enormous quantity of foreign grain, he ought to impose on agriculturists at home as few restrictions as he could. He ventured to hope that the right hon. Gentleman would, if his heart was not too hard, think of them at a future time. He could have run malt against sugar on the present occasion, but he would not, because he knew it was most important that the question should be decided whether the duty should be taken off sugar or not. He ventured to submit, looking to the grievances he had pointed out, that they ought to have some consideration from the Chancellor of the Exchequer.

MR. BEACH said, he must express his gratification that the right hon. Gentleman had devoted some portion of his surplus to the reduction of the National Debt. That was a matter which had escaped Chancellors of the Exchequer for many years, and it was a shame in the present state of the country that so little of the Debt had been paid off in recent times. The right hon. Gentleman had told them that the principle of a Sinking Fund was an excessively bad one. No doubt the principle of a Sinking Fund depended on the accident of having an excess of receipts over expenditure. When the first Sinking Fund was instituted by Mr. Pitt, there was a surplus, but war ensued, and the error consisted in this, that it was necessary to contract a Debt in order to maintain the Sinking Fund. But it was believed that that war would be of very short duration, and therefore it was not thought expedient to put an end to the machinery which had been formed for the extinction of the Debt. He was glad that provision had been made for the extinction of portions of the Debt in future. There was one part of the right hon. Gentleman's statement which would give great satisfaction to the country, and that was that he was placing a tax upon guns. People were in the habit of carrying guns for all sorts of purposes, and the tax upon them would have a very salutary effect. He considered that it should be levied in proportion to the number of guns kept. Some men who were fond of shooting had a number of guns, and it was fair that they should pay more than the man who had only one. He should have preferred the continuance of the duty on game licences, and that the proposed tax on guns should be simply a supplemental duty. With regard to the malt duty, he had ventured to hope, though scarcely to expect, that the right hon. Gentleman would have felt himself at liberty to make some reduction of that duty during the coming year. He was glad, however, that the right hon. Gentleman had not thought it incumbent upon him to change the malt duty into a beer duty. For his own part he entertained the most serious objection to the change which the right hon. Gentleman had been strongly urged to make. In 1830, when a careful investigation was made into the subject, the Chancellor of the Exchequer of that day came to the conclusion that the beer tax pressed much more heavily upon the community at large than the malt duty; and he (Mr. Beach) was pleased that the present Chancellor of the Exchequer, respecting the opinions of his predecessors, and with a regard to the good of the Revenue had thought it right not to convert the malt duty into a beer tax. On the subject of the income tax the right hon. Gentleman said he had well balanced the claims between direct and indirect taxation; but nevertheless he had reduced the amount of indirect taxation to a much larger extent than the amount of direct taxation. The proposed reduction of the income tax was not large, because the right hon. Gentleman had merely taken off the penny which was imposed for war purposes. He thought, therefore, the right hon. Gentleman might have reduced the income tax a little more. The other remissions proposed by the right hon. Gentleman were generally satisfactory. He hoped the financial results of the coming year would exceed the right hon. Gentleman's expectations as much as those of the past year had surpassed his former anticipations, and that the state of the Exchequer this time twelvemonths would enable him to make still further reductions of direct and indirect taxation.

Mr. POLLARD-URQUHART said, that the Financial Statement would be a cause of congratulation to the entire country. The increase in the Excise duties, showed, he hoped, that the condition of the working classes was becoming better, and that the distress under which they had so severely suffered was passing away. Very different was the state of the Revenue in former periods of distress—for instance, in the years 1840-1-2, and in the year 1848. He regretted, however, that the right hon. Gentleman had not determined to raise the income tax to its old amount of 7*d.* in the £1, which would have enabled him either to sweep the whole of the duty off sugar, or reduce the duties on tea and coffee, or reduce the malt duty one-half, or even abolish it altogether, supposing he had not touched the sugar dnties. The right hon. Gentleman did not seem disposed to carry out to as great an extent as he might do, the principle so strongly advocated by the present Premier when Chancellor of the Exchequer, that of reducing as much as possible the number of articles on which duties were levied. He hoped, however, the Government would persevere in their measures of economy, in spite of the taunts of hon. Gentlemen opposite, for it was by doing so they would enable themselves to reduce the burdens of taxation. The other points to which he had referred were rather matters of detail. It would be hard to find fault with the Chancellor of the Exchequer, because he might, perhaps, have done better, as all must admit that he had done well. The operation of the proposed remissions would give great relief throughout the country, and more than counterbalance the effect produced by the dismissal of labourers from the Government Dockyards.

Mr. HUNT: Sir, I do not intend to detain the Committee long, but there are two or three points on which I wish to make an observation. I confess I almost entertain a feeling of envy towards the Chancellor of the Exchequer when I think of the happy lines that have fallen to his lot. During the past year he seems to have been happy in almost every particular; and he has made his Financial Statement under circumstances that must be exceedingly agreeable to him. He has been able to shake off the effects of the "Black Friday," from which his predecessors had the misfortune to suffer, and that other incubus, the financial results of King Theodore's war. Again, his Colleagues who are at the head of the great spending Departments seem to have been seconding his endeavours in an extraordinary manner. Then during the past year the harvest of death has been exceedingly productive to the Exchequer. During the time I held the office of Chancellor rich testators exhibited a most determined tenacity of life; but this has not been the experience of the right hon. Gentleman in the past year. The only drawback in the Statement of the right hon. Gentleman was doubtless owing to the indiscretion of a Colleague. There had been a very general expectation that there would have been a great change in respect of the articles that usually appear on the breakfast table, and as a consequence the Customs duties collected on these articles had fallen off. It is the fate of Ministers to suffer for the indiscretion of their Colleagues; but in this case there was a set-off. The right hon. Gentleman who advocated "a free breakfast table" was not present when the Budget was discussed by the Cabinet. If he had been we might not have had the same Budget, because the Chancellor of the Exchequer might not have been able to secure the adoption of his views with reference to articles for the breakfast table. In his retrospect of the change made in the mode of collecting certain taxes, the right hon. Gentleman said that the commutation of assessed taxes into licenced duties had not justified the complaints made of that change. He said that the hardships which had been anticipated had not resulted from the change. Now, I did not understand that last year complaints were made of the hardship of that commutation.

THE CHANCELLOR OF THE EXCHEQUER: I meant the hardships complained of in some newspapers in the months of January and February of the present year.

MR. HUNT: I do not think any complaint was made of the change itself. The complaint, I believe, was that the right hon. Gentleman was having two different systems working at the same time, and had fixed the date at which the new licences were to be taken out at a part of the year when they formed an inconvenient addition to other taxes. The right hon. Gentleman says that the system of licence duties is so successful a mode of collection that he proposes to extend it, and to have other taxes to which he alluded collected by Imperial officers. Now, though there may be some little grumbling on the part of those who have vested interests, I think the proposal of the right hon. Gentleman will commend itself to the common sense of the community. The right hon. Gentleman takes credit for the large amount of the Debt he paid off last year and yet having so large a surplus; but there are circumstances which must be taken into consideration. He put on an express tax to meet the expense of the Abyssinian War, and he anticipated the collection of Revenue, and therefore I do not think he can take credit to himself for clearing off that debt out of the Revenue of the country. Of course, this year he has been unable to repeat that operation, which was very successful in a financial point of view, but rather oppressive in another one, notwithstanding the statements that may have reached him. He has this year a very handsome surplus without any such extraordinary operation, and he only proposes one new tax —that on arms, which he substitutes for game certificates. I need not have any reserve upon that matter, because it has been under consideration for some time, and I know that the proposed change will give general satisfaction. No reason can be given why a gentleman who goes to Hurlingham to shoot pigeons should not pay equally with one who goes into Norfolk to shoot partridges. I always felt that the tax pressed very heavily on persons who had only a short holiday, and would like to enjoy three or four day's shooting with a friend; for it was not worth the while of such persons to take out licences, and the result was that conscientious persons lost their amusement, while unscrupulous persons shot without certificates. The right hon. Gentleman's proposition will do away with that hardship, and will equalize the tax on all persons and on all shootings, and when the Bill comes before us we shall see whether it is so worded as to carry out the proposition as stated to the Committee, and whether there are proper exemptions, so that there shall not be any case of hardship under the new law. Another proposition which the right hon. Gentleman has made with regard to his surplus is to reduce the National Debt by changing the Permanent into Terminable Annuities, a proposition which has received the assent of the House on several occasion, and is possibly the only practical way of reducing the Debt. To my mind, that plan is not wholly satisfactory, and I believe that if the right hon. Gentleman were at the head of a despotic Government it is not the mode he would choose, but he would rather go to work in a more direct way, and set aside a part of the Revenue of each year. The fact is, that the proposal of the Chancellor of the Exchequer is intended to hoodwink the House of Commons, on the ground that our virtue is not stern enough to maintain a surplus. He proposes to treat this as a charge upon the public that must be met, and in that way he will be allowed to obtain large sums of money for the purpose of reducing the Debt. That proposition is, to my mind, one of an extremely doubtful character, but I am not prepared to say that I shall oppose the right hon. Gentleman on that subject, although there may be other ways to arrive at the same object, and I simply desire to express the opinion that the right hon. Gentleman's proposition is only a very clumsy contrivance to effect his purpose. He also proposes to deal with the foot hawkers' (or pedlars') and other small licences, and, in accordance with a pledge which he gave to my hon. Friend the Member for Liverpool (Mr. Graves), he will reduce the postage on printed matter. I am glad that the Chancellor of the Exchequer has made that concession, and I congratulate my hon. Friend on the success which has attended his efforts; for when I was Chancellor of the Exchequer I hoped to effect such a reduction, and led my hon. Friend to believe that I would do so if I continued in Office. The right hon. Gentleman also proposes to reduce the railway passenger duty, and when last Session he dealt with the taxes on locomotion, I felt that the tax on railways could not long continue, but would be a necessary consequence of the alterations he then made. The right hon. Gentleman also proposes to reduce the income tax by 1*d.*—a reduction which I believe all persons thought would be made as a matter of course whenever the Abyssinian debt was cleared off. With regard to the sugar duty, I think my hon. Friend the Member for West Sussex (Colonel Barttelot) is right in not contesting that matter, although I think the agriculturists will be disappointed to find that the Chancellor of the Exchequer has not considered them a little more, because there are many who think that malt is as much a necessary of life as sugar. I discussed the matter with some of my constituents a short time ago, and I then ventured to make the prophecy which I will repeat to the House—that the malt duty will come off about 20 years after a compulsory education Bill is passed. The connection between the two may not seem very obvious; but my opinion is that the malt duty will be repealed as soon as the inhabitants of towns are sufficiently intelligent and educated to find that they, as consumers, pay that tax. When they find that out there will be "a long pull and a strong pull, and a pull altogether," and they will get rid of that tax; but until they are better educated I do not think that the efforts of my hon. Friend will be very successful. The right hon. Gentleman has not gone into any great detail about his proposal to reduce the sugar duty; but I assumed that there would be such an adjustment as regards the sugar used in brewing that that article would not be brought into unfair competition with malt. I have no doubt the right hon. Gentleman has also considered the point that the foreign refiner ought not to compete unfairly with the English one, and should it be necessary to make any representations on that subject he will probably listen to what the trade may have to say. The right hon. Gentleman estimates that he will lose £1,125,000 by the reduction of the income tax; but I think that is too low, and my impression is that it will be nearer £1,500,000, unless he makes it up by the arrears that have to come in. I wish he had been a little more explicit on this point, but perhaps he will be kind enough to afford the Committee some information.

MR. J. B. SMITH said, he had listened with interest to the general statement of the Chancellor of the Exchequer; but felt great disappointment that, with the largest surplus at his disposal ever known, the right hon. Gentleman had made no provision for the reduction of our enormous National Debt. The time has arrived when it is criminal to delay serious efforts to reduce it. A more just feeling of the sound policy and of the moral obligations of the country existed at the termination of the French War. In 1819, the House passed a Resolution for setting apart the sum of £5,000,000 annually to pay off the National Debt. That Resolution was not literally carried out; but from the close of the War, to 1830, the Debt was reduced from £902,000,000 to £842,000,000, being a reduction of £60,000,000, or £4,000,000 per annum. In 1828, a Finance Committee again asserted the obligation of the country to make a gradual reduction of the Debt, and suggested that at least £3,000,000 a year should be provided for that purpose. Now, it is important to inquire what were the resources of the country at the period when these efforts were made to reduce the Debt, and to contrast them with its present condition. The period from 1815 to 1830 was one of the darkest in our commercial history. We had the most industrious population in the world struggling with poverty, because the law prohibited them from exchanging the produce of their industry for the food and produce of other countries. The Corn Laws taxed their bread, and the Custom House levied duties on nearly 2,000 articles of foreign production. We may be said to have then had no railways, only 30 miles having been opened in 1830, between Manchester and Liverpool. We had no steam navy, the great philosopher of the day contending that it was impossible to cross the Atlantic by steam; and the extent of our foreign trade was limited to an export of £38,000,000. Notwithstanding the then distressing state of things, however, we reduced our National Debt £60,000,000, or at the rate of £4,000,000 a year for 15 successive years. It will be instructive to contrast the state of things which existed when the nation made these sacrifices to pay its debts, with the state of things as they exist at present. The Corn and Provision Laws have long been abolished. The duties which then existed on nearly 2,000 articles of foreign produce are reduced to about 30. We have now more railways, according to the size of the country, than any other country in the world. Steam navigation, spite of philosophers, is become a great success; and our mercantile steam navy is equal to that of all the other nations in the world—crossing the seas in all directions. Our foreign trade has increased from £38,000,000 in 1830, to £181,000,000 in 1867, or nearly five-fold. Wealth has increased in a similar proportion, and the country is at present richer and more prosperous than any country we ever knew or read of; and yet, with these enormous means at our command, in the 36 years, from 1830 to 1866, the National Debt has only been reduced by £41,000,000, or at the rate of about £1,200,000 per annum! Hon. Gentlemen had referred to the severe competition already existing with foreign manufacturers, and which is likely to increase. If we have a race to run with foreign manufacturers the smaller the burden of taxation we have to carry the better chance we shall have of successful competition; and on that account it is folly, while we have the ability, not to make provision for the contest. The Chancellor of the Exchequer has alluded to the disputes which may arise with other countries, or with our Colonies, whereby our public burdens may be increased. Any such addition to our burdens would necessarily enhance our difficulties in competing with the foreign manufacturer. On every ground, therefore, it was important that serious efforts should be made, while we possess such abundant means, to reduce our National Debt. If we continue to reduce the Debt in the same proportion as for the past 40 years, it will take about 660 years to pay it off. What a contrast is shown by the proceedings of the United States! Our race on the other side of the Atlantic, taking a similar view, that was formerly taken by this country, of the moral obligations of those who contract debts to make some efforts towards discharging them, have, in the five years since the Civil War, reduced its debt of £550,000,000 by about £70,000,000, and if they continue to reduce their debt at the same rate as at present, it will be entirely extinguished in 30 years. He (Mr. J. B. Smith) thought the mode hitherto chiefly pursued of paying off our Debt by means of Terminable Annuities, most objectionable—it was an expensive way of paying off debt by a kind of side-wind. Terminable Annuities can only be disposed of at a great sacrifice, as compared with the sale of stock; while the relief of such payments afforded no benefit to the present generation. The Chancellor of the Exchequer submitted, for the opinion of some eminent bankers, a proposition of giving the holders of £100,000,000 of stock a present bonus of 10 per cent, on the condition that at the end of 100 years the whole should be cancelled. The effect of such a proposition would be that the present generation would for 100 years pay an additional amount of taxation for the purpose of relieving those who may live 100 years hence. Well may it be asked, what has posterity done for us? In this case we pay at present say 3 per cent on £100,000,000 of stock, or £3,000,000 per annum. The proposed addition of 10 per cent would raise the payment by £300,000 a year for 100 years; but if this amount were paid off every year, existing taxpayers would participate in the benefit arising from the annual reduction of that amount of Debt. The time is arrived when the National Debt ought to be reduced on a large scale, and this object may be easily effected if our expenditure is kept within limits which were, a few years ago, thought reasonable. Since he had had the honour of a seat in that House our net expenditure (in 1854) was only £49,500,000, to which, if £3,500,000 were added for charges in collecting the Revenue, we should have a total expenditure of £53,000,000. The Chancellor of the Exchequer's Estimate of the expenditure of the present year is upwards of £67,000,000—deducting the Expenditure of £53,000,000, in 1854, from the Estimate of £67,000,000 in 1870, there remains a balance of £14,000,000, which, added to the increase of Revenue which is certain to accrue from the improved state of trade, leaves a large margin, which, with a wise reduction of the public expenditure, will be applicable to the reduction of the National Debt. Now, supposing there should, with a proper economy, remain a surplus of £10,000,000 per annum applicable to this object, what would it effect? Why, at the end of six years as much debt would be cleared off as would leave the sum of £2,000,000 a year for ever to be applied to the reduction of taxation. At the end of 12 years they would have cleared off £4,000,000, to be applied to the same object, and so they might go on from year to year, the present generation—as is not the case in Terminable Annuities—as well as all future generations, sharing in the benefit of the reduction of the Debt. In this way, at the end of 30 years, £300,000,000 of debt would be paid off, which, added to the Terminable Annuities expiring in that time, one-half the existing National Debt would be cleared off. And all this may be accomplished without any addition to our present taxation. He regretted that the right hon. Gentleman proposed to take off another 1*d.* of the property tax. He would rather see that tax 6*d.* in the pound, which would only be a fair contribution by the owners of property towards the reduction of the Debt. The right hon. Gentleman proposed to reduce the sugar duties; but however good the reduction was in itself, he still continued the existing objectionable regulations. Sugar is the only article on which an *ad valorem* duty is levied, and it is pretended that the duty is assessed according to the quantity of saccharine matter it contains. This absurd and expensive system involves the necessity of sampling every package of sugar imported, and about 5,000,000 such samples were taken by the Custom House officers during the past year for the purpose of determining its value. But it has been proved that it is utterly impossible to ascertain the quantity of saccharine matter contained in sugar by its mere appearance. The result of this system, however, has been to banish the import of the best sugars entirely from our market, and to substitute an import of all the rubbish of the world, which is deprived of its richness by being washed and remade into what is called pieces by English sugar-refiners. He spoke a few days ago with a Member of this House connected with the Mauritius, whose good sugars have been excluded by the existing law, and reminded him that he would have an opportunity on the Budget of again bringing forward the sugar grievance; but he replied, we no longer care about our sugars being excluded from England, as we have now a market for all the good sugar we can make in Australia, and can send our rubbish to England. Surely this country is entitled to good sugar as well as our Colonies, and how long will it submit to be obliged by law to consume the worst sugar in the world? Strange to say, we have succeeded in persuading other countries to commit the like follies as ourselves in this matter of sugar duties; but they have found out their folly, and want to get rid of the treaties by which they cheat themselves, and some even refuse to carry the treaties into effect. He hoped that means would be taken to get rid of these absurd treaties, if that course was indispensable to our adopting an equal rate of duty on sugar. All kinds of sugar, like every other kind of produce, ought to be admitted at one rate of duty, and then we should cease to discourage the import of the best qualities by imposing a high rate of duty upon them. If something were not shortly done with that view, he should himself call the attention of the House to the subject.

MR. STEPHEN CAVE reminded the hon. Gentleman who spoke last that it was not many years since a very strong Committee, presided over by a very strong Chairman, inquired into the whole subject of the sugar duties. The hon. Gentleman said it was a very absurd thing that sugars should be brought into this country at different rates of duty, and that, in consequence of that, we got the very worst sugar in the world. But if all kinds of sugar came in at the same duty it would be impossible for anybody but those who made the best qualities to send their sugar here at all—[Mr. J. B. SMITH: Hear!]—and, therefore, we should be deprived of sugar which was not equal in quality to the best. It was very difficult in any part of the world to make good sugar without extensive and expensive machinery, and therefore were the proposition of the hon. Member opposite to tax all sugar alike to be adopted, the low-class sugars, the produce of India and of the emancipated slaves of the

West Indies, would be excluded from the British market. The principle we had adopted was the best, because it ensured the largest supply of every quality. The right hon. Gentleman had very rightly stated that the growth and manufacture of sugar were in a transition stage, and that we must look to the Chinese as the future producers of that article of commerce in the Tropics. The Chinese were more like the aboriginal inhabitants of the West Indies than the negroes, and he regretted that so many obstacles had been placed in the way of their emigrating there. With respect to beet sugar, he must observe that the zone in which beet was grown for sugar-making purposes with success was a very narrow one, running through the north of France, Belgium, Germany, and Russia, where the climate was hot enough, but not too hot; and he greatly doubted whether it would succeed in this country, in consequence of its requiring a considerable amount of sun heat to produce the necessary quantity of saccharine matter, though late experiments appeared to show the contrary, probably in consequence of the exceptional heat of the last few summers. The hon. Member for Stockport (Mr. J. B. Smith), in referring to the French Treaty, had observed that we had not only made fools of ourselves, but had persuaded others to do so. If such were really the case, it was certainly odd that so many nations had followed our example, and he should be inclined to draw a very different deduction from the circumstance to what the hon. Member had done. With regard to this Convention he hoped that some pressure would be put upon the French Government. While the Dutch and the Belgians had fulfilled their part of the Convention, the French had interposed one delay after the other, and now had asked not to be compelled to perform their engagements until June, 1871, with the qualification that they would see whether they could not manage to carry the arrangement into effect at an earlier date. Perhaps the right hon. Gentleman would state whether there had been any recent communication with the French Government upon this subject. The hon. Member for Stockport had suggested the possibility of our paying off the National Debt; but was he prepared to ask this country to tax itself to the extent that the American people had done, to the ruin of their trade? The hon. Member for Westmeath (Mr. Pollard-Urquhart) had talked very glibly of adding 2*d.* or 3*d.* to the income tax; but he should recollect that were the income tax to press too heavily upon the richer portion of the community they would be compelled to curtail their expenditure, and would therefore be the less able to be the employers of labour. The misfortunes of 1866 showed them how grievously the reduced circumstances of employers reacted upon the employed. With regard to the abolition of passengers' duty on railways, he wished to know what course would be taken to compel the railway companies to keep faith with the third-class passengers, they having hitherto in many cases endeavoured to evade the law which required them to run cheap trains, either by starting them at unreasonable hours or by not allowing them to stop at certain stations? When he (Mr. Stephen Cave) was at the Board of Trade there were frequent cases of this, which the Board were able to meet by the power placed in their hands, by the remission of duty, and he feared that the poorer class of travellers might suffer from the change. He thought the gun tax was a most excellent one, because it would prevent idle boys living in villages from getting hold of old rusty guns at Easter and Christmas, wandering about the country, and shooting sometimes a sparrow, sometimes a cow, and not unfrequently themselves. He did not look at this question as a sportsman, but as one interested in abating what was becoming an intolerable nuisance. Upon the subject of duty-paid sugar he might remark that the Chancellor of the Exchequer had allowed three weeks in order to enable the holders of refined sugars to clear their stocks; but he had altogether overlooked the case of the holders of large stocks of inferior or semi-refined sugars. The holders of sugar of that class in France might, by simply wetting it, send it over to this country to compete with semi-refined sugar, upon which a heavy duty had been paid. This was the more likely to occur because a substantial bounty was paid by the French Government for the export of semi-refined sugars. He regretted that the right hon. Gentleman had not explained in his Budget speech that he intended to levy the duty upon the landing weight, instead of upon the actual weight of the sugar, the holders of some sorts of which, such as Barbadoes, would be likely to suffer in consequence. He was sorry the Chancellor of the Exchequer did not see his way to any remission of the malt tax; but he was glad to hear that farmers were to be allowed to sprout their own barley, and he thought it probable that the large reduction of duty would enable them profitably to use coarse sugars and molasses in feeding their stock.

Mr. J. B. SMITH said, he wished, with reference to an observation of the right hon. Gentleman (Mr. S. Cave) to explain that he did not desire to maintain the taxation of this country on the same footing as that of the United States.

Mr. PEASE said, there were one or two practical questions in regard to that Budget to which he would like to call the attention of the Committee. He wished to second that which had been said by his hon. and gallant Friend the Member for West Sussex (Colonel Barttelot) with reference to the tax on agricultural horses employed in carrying materials for the repair of the roads. That might be almost entirely a sentimental grievance; but it was a grievance, and one which he could assure the Committee was keenly felt. The point to which he desired most to call the attention of the Committee, however, was the remission of £100,000 on railway-passenger duty. That was in effect a passenger duty at the present time; it was practically a duty of 5 per cent, levied upon first and second-class passengers. But it was now sought to impose a railway duty of 1 per cent on the whole traffic. In the South of England the traffic of the railways was, for the most part, passenger traffic, but in the North the greater part of the traffic was mineral. He thought that in these matters the Chancellor of the Exchequer was taxing the raw material, which was contrary to every sound principle of political economy. The tax would still bear heavily on small branch railways in rural districts, some of which were exceedingly poor. He would also call the attention of the right hon. Gentleman to the propriety of abolishing the stamps on the smaller class of transfers of railway shares, which were often used as a sort of savings bank by the poor.

Mr. C. S. READ said, he was grateful for small mercies; he tendered his thanks for the adoption of his suggestion made last year to forego the duties on hail-storm and cattle insurances, and for the restoration of the privilege of sprouting barley for cattle, a privilege not taken from the farmer by Parliament, but by the caprice of the Excise, just as that Department now imposed the licence duty on farm horses, when employed in carting materials for the repair of the parish highways. But he dissented from the Chancellor of the Exchequer's statement that, in allowing farmers to use sprouted barley, for cattle food he gave them the very best produce capable of being made from barley for feeding stock. Malt was very much better, although it was not necessary to dry or roast the malt to the extent necessary for making beer. He was, naturally, much disappointed that no remission whatever of the malt duties was made. There had been no remission of any duty on beer since 1830, but an increase of 5 per cent upon the malt tax was made in 1840. The sugar duties, on the other hand, were lowered only six years ago; but he, for one, was very glad the sugar duties were reduced rather than on tea, for the English farmer might grow sugar beet, though he would rather have had the chance of growing untaxed barley against all the world. The reduction on the sugar duties was a sensible one; it would amount to ½*d.* per lb., so that the change would be readily appreciated by the poor man. It was impossible last year that the abolition of the import duty of 1*s.* a quarter on wheat would ever reach the consumers, because it had to be divided between 110 or 120 4-lb. loaves; so that if the Chancellor of the Exchequer could congratulate himself on having reduced the price of wheat, he could not feel satisfied he had proportionably reduced the price of bread. The Chancellor of the Exchequer had said the average price of wheat just now was 42*s.* a quarter; but in the course of a walk through the East-end this morning he found the price of the 4-lb. loaf was in no case less than 6*d.*, and sometimes 6½*d.* He was sorry he could not join in chorus of praise on the imposition of a tax on guns. In a purely rural district guns were kept not for the purpose of killing game, but of scaring birds. He had two men on his farm so employed with guns, and in his parish there were three men who took out game licences, and 12 who used guns for scaring crows, a duty formerly discharged by boys, who were now better employed in school. Although the proposal to tax firearms might be very popular on his side of the House as a preventive of poaching—from which opinion he entirely dissented—yet it would seriously injure the agricultural interest. Farmers were not allowed to poison sparrows; and, although to some it might appear to be a joke, yet, considering the difficulty in destroying the great variety of vermin which preyed upon farm crops, the result would prove that this tax on firearms was a tax upon the production of cheap food. He would much prefer that it should be a tax on every gun, for that was the only way to get at the rich. He knew one gentleman who kept 25 guns, and it was no uncommon thing for a sportsman to be accompanied by two loaders carrying guns. But perhaps these loaders would have to take out a licence. As the farmer was at present exempt from the duty on farm horses, he hoped the Chancellor of the Exchequer would also exempt him from this new tax on farm guns.

MR. W. FOWLER observed, with regard to the Chancellor of the Exchequer's remarks on the money market, that it would get on a great deal better than it did if it were left alone; but when a very large mass of money was kept idle at one part of the year, and at another the Government was obliged to go to the Bank for money to pay its dividends the arrangement could not be considered as economical. Whatever the advantages of the new mode of collection the objection raised to it by the Governor of the Bank (Mr. Crawford) last year was a sound one. The Chancellor of the Exchequer seemed to think that if the people had more for their money during the first three months of the year and less during the last three months it came to much the same thing. That might be so if the circumstances were different from what they really are; but the truth was, that the time when the Government required a large sum from the Bank was the very time when the public also wanted money, and he predicted that a Chancellor of the Exchequer who wanted very large sums of money during a time of commercial depression would not be a very popular Minister. The payments should be spread over the year as much as possible; and that accumulation of idle money should be discouraged. The railway duty should be abolished altogether; railway companies were most unfairly used. The North Eastern paid £80,000 a year in local taxation, equivalent to one-half per cent on its shares, and when a shareholder died his successor paid probate and legacy duty, as if he succeeded to personal estate. Thus, the railway was taxed as real property and as personal property as well. Besides this the company had to pay carriage duty. The whole arrangement was most unjust. He trusted also the Chancellor of the Exchequer would give his attention to the whole question of licencing. Why was it a brewer should require a licence to carry on his trade and an ironmonger not? He presumed political economy might be appealed to that night, though they had been told on that day week to make light of its teaching. He could not help expressing his gratification at the statement of the Chancellor of the Exchequer respecting the financial condition of the country. It was, indeed, a most remarkable circumstance that we should be able to raise with comparative ease such an extraordinary Revenue, especially as trade had been in a state of depression during the last four years. He trusted that, in future years, the Chancellor of the Exchequer would be able to submit to the House equally satisfactory, if not more satisfactory, statements.

MR. SCOURFIELD said, that as there was not the remotest possibility of his occupying the post of Chancellor of the Exchequer in the year 1885, or at any intermediate period, he should confine himself to making a very few remarks on two minor topics. In the first place, if horses employed in agriculture were to be exempted from the Excise tax, horses employed in the conveyance of materials for roads, which were so materially connected with agriculture, ought, in his judgment, to be likewise exempted; and, secondly, he would remark that the tax it was intended to impose on the conveyance of materials on railroads would seriously affect some of the small railroads, which had been established in some parts of the country, mainly for the conveyance of agricultural produce. He thought the Chancellor of the Exchequer ought not to reduce the Post Office rates at a time when the Post Office revenue was beginning to show some weakness.

Mr. CANDLISH said, he thought his hon. Friend the Member for Brighton (Mr. White) made a mistake in saying that the working classes were in a distressed condition. He believed that they were, on the whole, in a tolerably healthy commercial condition, and evidence of this was to be found in the enormous accumulations in savings banks and building societies. As an instance, he might mention that in the borough which he represented (Sunderland) engagements had been entered into for payment of £1,500,000 into building societies. Another proof of the increasing prosperity of the working classes was to be found in the fact that while in 1820 the sugar consumed was 17lbs. per head, at the present moment it was 43lbs. During the same period the consumption of tea had increased from 20oz. to 50oz., and that of tobacco from 12oz. to 20oz. per head. The hon. Member for Brighton also made a mistake, when speaking of the cost of Government, in including in it the cost of sending our letters and our telegraphic messages. He was glad to find that during the last two years there had been a reduction in the expenditure of from 10 to 12 per cent; and he was also glad that there had been a recognition on the part of the Government of our obligation to pay off the National Debt, for we were now paying off £2,250,000 by the increased amount on Terminable Annuities. There was, however, ample room for the application of the pruning knife, for although during the last two years the expenditure for the Army and Navy had been reduced to the extent of £2,000,000, the charge for their maintenance now exceeded by £6,000,000 the cost before the Russian War. He was of opinion that some decisive and effectual action should be taken with reference to the National Debt. During 40 years of prosperity since the year 1831 that Debt had not, in point of fact, been reduced by a single farthing. This was, in his opinion, a discredit to us, considering how largely our wealth and resources had increased during that period. He hoped that the Chancellor of the Exchequer would yet use his efforts to remedy such a state of affairs. He wished that instead of taking 1*d.* off the income tax the Chancellor of the Exchequer had increased it by another 1*d.*; for if he had adopted that course he would have had £3,000,000 at his command with which to reduce the Debt.

Mr. HERMON said, he regretted that the Chancellor of the Exchequer had not removed those trifling burdens, which existed as an additional quarter per cent charge on the duty payable on Customs. They led to an amount of writing and calculation of which commercial men very much complained, while they were of little or no importance as items of revenue. As to the tax on railways, he did not know whether what the Chancellor of the Exchequer proposed to do would prove satisfactory to those interests; but he could not help expressing the hope that it would have a better effect than the proposals made last year with respect to the means of carriage locomotion. He had been informed that the Government policy of last year had acted in a very detrimental manner with respect to the cab proprietors in the metropolis, and he trusted that a like complaint would not require to be made by the railway companies next year.

Mr. W. H. SMITH said, he thought it would have been well if the Chancellor of the Exchequer, in dealing with the collection of taxes, had devised some means of appeal against the arbitrary manner in which income tax under Schedule D was assessed. He hoped the right hon. Gentleman would, in any changes which he might make in the mode of collecting the income tax, respect the interests of those who collected that tax. He held that those collectors discharged very important duties, and that their services to the public ought not to be overlooked.

Mr. MELLY said, he desired to congratulate his right hon. Friend the Chancellor of the Exchequer on having produced a most satisfactory Budget. During the General Election the right hon. Gentleman at the head of the Government had pledged himself, in the event of his return to power, to reduce the taxation by at least £3,000,000. That pledge had been more than fulfilled, for there had been an actual reduction of £3,363,000 in two years. He must also congratulate the hon. Member for Liverpool (Mr. Graves) on the success which he had, after many years of unwearied industry, achieved in connection with a question in which all commercial men took a great interest, and with which his name would ever be honourably associated. As to the Chancellor of the Exchequer, he should forgive him all his bitter sneers at "a free breakfast table," seeing that he made so large a reduction in the sugar duties. He did not think that the course which was proposed to be taken with respect to the game licences was altogether a wise one, for, in his opinion, it would virtually amount to making a present of between £3 and £4 a year to those who now paid it. The reductions of the Army and Navy Expenditure were highly important, because it was proved that the efficiency of the Services had at the same time been maintained. He could not, he might add, concur in the regret which had been expressed at the increase of the Civil Service Estimates, for in proportion as they were increased local taxation was diminished; and he, for one, should not be at all sorry to see the Education Vote considerably increased next year.

Mr. SCLATER-BOOTH said, he wished to remind the hon. Gentleman who had just spoken, and who had congratulated the Government on having redeemed the pledges with respect to expenditure which they had given at the hustings, that one of the most important charges which had been made against the late Government was that their Civil Service Estimates were excessive and ought to be reduced. He would not enter into the subject on that occasion; but he would undertake to prove that the present Civil Service Estimates, making due allowance for items imported from the Army Estimates and from the Consolidated Fund, were higher by £250,000 than those which the late Government had introduced. He did not complain of that, because he knew those Estimates had a tendency to grow, in spite of all efforts to keep them down; but that was a matter in which the Conservative Government was unjustly blamed two years ago. He reminded the right hon. Gentleman last year that the duties on locomotion could not be dealt with irrespectively of the railway passenger duty, which the right hon. Gentleman had now dealt with; but it was scarcely fair for the right hon. Gentleman to escape from the anomalous position in which he had placed himself by imposing an entirely new charge on railway property without any notice. Railway proprietors were taxed heavily enough for local and Imperial purposes; they paid income tax on their receipts; and it was hard they should be saddled with this new burden, which, although it was now to be 1 per cent, might be increased to 3 or 5 per cent, according to the exigencies of the Chancellor of the Exchequer. It would be better to put a heavy tax on net receipts than a light one on gross receipts; this was an entirely new tax; it was no longer a tax on locomotion; but it was a tax on the receipts of railway companies. He concurred with what had been said by his right hon. Friend near him (Mr. Hunt) as to the humiliation of paying off the National Debt by Terminable Annuities, but did not think the country had been lax about paying it off, for an enormous sum had been paid since the time of peace, in addition to which the cost of the Crimean War had been paid out of the taxes. The pressure of the Debt, and its proportion to the resources of the country, were less than they were 50 years ago.

Viscount BURY said, he agreed with the hon. Gentleman who had just sat down in thinking that it would be better to tax the net receipts than the gross receipts of railways. The proposed tax, however, was not a new one, but only an equalization of a tax which was exceptionably hard on passenger lines as distinct from mineral lines, which were the two great classes into which railways might be divided. The existing tax upon railways fell mainly upon the Southern lines, which subsisted chiefly by passenger traffic, while many of the Northern lines escaped the tax, in proportion as they depended more upon mineral and less upon passenger traffic. The railway interest was, therefore, divided into two great camps; those who wished to prevent mineral traffic being taxed at all, and those who wished the Revenue to be collected with some degree of fairness and equality from the proceeds of both mineral and passenger traffic.

Mr. LIDDELL said, he thought that the Chancellor of the Exchequer, having an unprecedented surplus, had maintained an equitable balance between direct and indirect taxation; but as representing an important mineral district, he must join in the remonstrance that had been raised against the new arrangement of the railway tax. The proposal to re-distribute the burden upon railways by substituting for a 5 per cent passenger tax a general tax of 1 per cent upon all kinds of traffic was an entire novelty, and would give rise to a great amount of discussion and probable dissatisfaction in the country. The right hon. Gentleman would probably find that he had involved himself in some difficulties which he had not altogether foreseen. He would ask to what class of railways would this new arrangement apply? Was it to apply only to those which were under the supervision of the Board of Trade? Because there were many small mineral lines which were constructed for the purpose of conveying the raw material to the trunk lines or to the ports, and which were purely a matter of private contract between the owner of the soil and the constructor of the line. If the tax was to be imposed upon these lines it would entirely disturb the whole conditions under which they were constructed and carried on. He hoped the fullest opportunity would be given for discussing this matter.

Mr. WHALLEY said, he had presented Petitions from 47 towns, praying for the removal of the gross inequality and injustice in the assessment of the income tax, more especially under Schedule D. The Chancellor of the Exchequer had expressed to a deputation, which he (Mr. Whalley) had lately introduced to the right hon. Gentleman, his wish to remedy the injury and loss caused by the present system of assessment, which was much more than double that arising from the mere amount of the tax. That was a most important subject, and he wished to give Notice that he should to-morrow move—

> "That a Committee be appointed to inquire into the mode of assessing the Income Tax leviable under Schedule D, and as to the practicability of providing for the Revenue raised therefrom, whereby, having due regard to existing liabilities, the injury resulting alike to individuals and the public under the present system may be avoided."

He should propose that Committee with the view of ascertaining whether it was possible to modify the tax, so as to make it approximate, in point of justice, to the taxes levied on real property. The Committees of 1851 and 1854 had reported that nothing could be more plain than the injustice of the tax as now raised. An excessive wrong and injustice attached to the income tax, which possessed all the demerits both of direct and indirect taxation. If the right hon. Gentleman wanted an analogy, he should refer to the parochial and municipal taxation, which, by the consent of the inhabitants, had for centuries been raised entirely from fixed property, and not from trade profits.

Mr. GRAVES said, he desired, before the debate closed, to avail himself of the opportunity of tendering to the right hon. Gentleman his thanks for the substantial benefit conceded to the public by the reduction of the postage on newspapers and printed matter. It was a matter which he had himself brought under the notice of the House, and he was sure that no portion of the Financial Statement would be read by the public to-morrow with greater pleasure than the announcement of the unreserved and liberal manner in which the Government were prepared to redeem their promise of last year.

The CHANCELLOR of the EXCHEQUER: I need trouble the Committee with very few words by way of reply, because a great number of Gentlemen who have addressed questions to me have been answered by others during the discussion. There are two or three points, however, on which I must reply. My hon. Friend the Member for the City of London (Mr. Crawford) asks me to consider the case of certain sugars which he says will be broken up and imported. Now I fear that, do what we can, we can hardly make such large changes as we propose, affecting so vast a trade, without doing some mischief; but our proposal has been carefully considered, I am not prepared to deviate from it, and I think it is better to say so at once. I must, therefore, press the Committee to pass this Resolution to-night, and report it to-morrow, on account of the infinite mischief which may result if any uncertainty were to prevail, and because, until it is reported, we cannot act upon it. I am quite aware that there are persons who may be more or less hardly dealt with; but we can only do the best we can under the circumstances. At present, I believe that stocks are very low, and, upon the whole, the change will be made with as little trouble and difficulty as can be expected in such a matter. As to the railways, the Committee have heard from hon. Gentlemen opposite a number of considerations which are well worthy of attention. The fact is, that there need be no difficulty in the matter. What I propose is intended as a benefit to the railways. If they look upon it as a benefit, I shall be glad to have done something in their interest. If they think otherwise, I will not press the change upon them, and have not the slightest objection to keep in the Exchequer the £108,000 that we proposed to give them, and say no more about it. The hon. Member for West Sussex (Colonel Barttelot) asks me whether I will not remit the duty in the case of farmers' horses employed in drawing materials for the repair of parish roads. I have made no change in the law on this subject, though I believe the law is now more strictly executed than it was. I take the law as I find it. Horses employed solely in agriculture are exempt from duty. I think that exemption not to be justified, though I have continued it; but when I am asked to carry the exemption further, I must decline to do so. If hon. Gentlemen think it prudent to raise the question, they are, of course, at liberty to raise it; but I think they would do more wisely to let the matter rest. At all events, I shall be no party to extend an exemption which I cannot justify as it stands, though I have not felt it my duty to interfere with it. I regret to hear from the hon. Member for South Norfolk (Mr. Clare Read), that kiln-drying is beneficial or essential to malt required for the feeding of cattle; because I have been informed, on what I believe to be good authority, that the contrary is the case, and that the process of kiln-drying is rather injurious than otherwise, and deprives the malt of its fattening qualities. But the hon. Gentleman is a high authority on this subject, and I shall be glad of any information he can give me respecting it. I cannot sit down without thanking the Committee for the very kind manner in which they have received my proposals.

LORD GARLIES said, he wished to ask whether the right hon. Gentleman would include air-guns in his licence duty for carrying firearms? The same objections to the use of the one applied to the other, and poachers should not be allowed to carry air-guns without a licence.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the suggestion of the noble Lord well worth consideration; but he must guard himself against being supposed to entertain the question of dealing with air-guns as firearms.

MR. FIELDEN said, he must protest against any reduction in the sugar duties until the malt tax was dealt with. The consumer paid little more than the £5,500,000 of sugar duties, because the tax was levied at the point where the article went into consumption; but the malt tax was increased in price by the levy of the tax on the raw material, and the consumer paid, not £6,700,000, the amount of the tax, but something like £12,000,000. The duty on sugar amounted to 50 or 60 per cent, whereas the malt tax was as much as 70 per cent, and by the time the article reached the consumer it paid on account of the duty as much as 100 per cent. He therefore thought that the malt tax had a preferable claim for reduction over the sugar duty. As to the proposal to reduce the postage on newspapers, he could not see what possible benefit that could be to the country. Newspapers did not tend to foster real thought, but only spread gossip abroad. If they went into the manufacturing districts they would find that the great mass of people who read newspapers took the whole of their opinions from the editors; and, not looking upon the editors of newspapers as the best possible instructors, he was decidedly opposed to that proposition of the Chancellor of the Exchequer. He also objected to the proposal to make employers deduct the income tax from the salaries of those they employed; and, for his part, he protested against being a collector of taxes for the Government, and against being compelled to divulge what he paid to his clerks.

(1.) *Resolved,* That, towards raising the Supply granted to Her Majesty, on and after the under-mentioned dates, in lieu of the Duties of Customs now charged on the articles under-mentioned, the following Duties of Customs shall be charged thereon, on importation into Great Britain or Ireland, viz.:

On and after the second day of May, one thousand eight hundred and seventy,—

Sugar, viz.:	£	s.	d.
Candy, Brown or White, Refined Sugar, or Sugar rendered by any process equal in quality thereto, and manufactures of Refined Sugar . . . the cwt.	0	6	0

On and after the thirteenth day of April, one thousand eight hundred and seventy,—

Sugar not equal to refined :—

First Class	the cwt.	0	5	8
Second Class	,,	0	5	3
Third Class	,,	0	4	9
Fourth Class, including Cane Juice	,,	0	4	0
Molasses	,,	0	1	9
Almonds, paste of	,,	0	4	8
Cherries, dried	,,	0	4	8
Comfits, dry	,,	0	4	8
Confectionery, not otherwise enumerated	,,	0	4	8
Ginger, preserved	,,	0	4	8
Marmalade	,,	0	4	8
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated	,,	0	4	8

And that the said Duties shall be paid on the weights ascertained at landing.

(2.) *Resolved,* That, on and after the under-mentioned dates, in lieu of the Drawbacks now allowed thereon, the following Drawbacks shall be paid and allowed on the under-mentioned descriptions of Sugar refined in Great Britain or Ireland on the exportation thereof to Foreign Parts, or on removal to the Isle of Man for consumption there, or on deposit in any approved warehouse, upon such terms and subject to such regulations as the Commissioners of Customs may direct for delivery from such warehouse as ship's stores only, or for the purpose of sweetening British Spirits in Bond (that is to say):

On and after the second day of May, one thousand eight hundred and seventy,—

		£	*s.*	*d.*
Upon refined Sugar in Loaf complete and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform whiteness throughout; and upon such Sugar pounded, crushed, or broken in a warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves as if for immediate shipment, and then packed for exportation in the presence of such Officers, and at the expense of the exporter ; and upon Candy	for every cwt.	0	6	0
Upon refined Sugar unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample No. 2, approved by the Lords of the Treasury, and which shall not contain more than five per centum of moisture over and above what the same would contain if thoroughly dried in the stove	for every cwt.	0	5	9

And on and after the thirteenth day of April, one thousand eight hundred and seventy,—

Upon Sugar refined by the centrifugal or by any other process, and not in any way inferior to the Export Standard Sample No. 1, approved by the Lords of the Treasury	for every cwt.	0	6	0
Upon other refined Sugar unstoved, being Bastards or pieces, ground, powdered, or crushed :				
—— Not in any way inferior to the Export Standard Sample No. 3, approved by the Lords of the Treasury	for every cwt.	0	5	8
—— Not in any way inferior to the Export Standard Sample No. 4, approved by the Lords of the Treasury	for every cwt.	0	5	3
—— Not in any way inferior to the Export Standard Sample No. 5, approved by the Lords of the Treasury	for every cwt.	0	4	9
—— Inferior to the above last-mentioned Standard Sample	for every cwt.	0	4	0

(3.) *Resolved,* That, in lieu of the Duties of Excise now chargeable on Sugars made in the United Kingdom, the following Duties of Excise shall be charged thereon (that is to say) :

On and after the second day of May 1870 :

		£	*s.*	*d.*
Candy, Brown or White, Refined Sugar, or Sugar rendered by any process equal in quality thereto, and manufactures of Refined Sugar	the cwt.	0	6	0

On and after the thirteenth day of April 1870 :

Sugar not equal to refined :

First Class	the cwt.	0	5	8
Second Class	the cwt.	0	5	3
Third Class	the cwt.	0	4	9
Fourth Class	the cwt.	0	4	0
Molasses	the cwt.	0	1	9

(4.) *Resolved,* That, on and after the thirteenth day of April 1870, in lieu of the Duties of Excise now chargeable upon Sugar used in Brewing, there shall be charged and paid upon every Hundredweight, and in proportion for any fractional part of a Hundredweight, of all Sugars which shall be used by any Brewer of Beer for Sale in the brewing or making of Beer, the Excise Duty of Seven Shillings and Sixpence.

(5.) *Resolved,* That, towards raising the Supply granted to Her Majesty, the Duties of Customs now charged on Tea shall continue to be levied and charged on and after the first day of August, one thousand eight hundred and seventy, until the first day of August, one thousand eight hundred and seventy-one, on importation into Great Britain or Ireland (that is to say) :

		s.	*d.*
Tea	the lb.	0	6

(6.) *Resolved,* That, towards raising the Supply granted to Her Majesty, there shall be charged, collected, and paid for one year, commencing on the sixth day of April, one thousand eight hundred and seventy, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices the following Rates and Duties (that is to say):

For every Twenty shillings of the annual value or amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B) of the said Act), the Rate or Duty of Four pence.

And for and in respect of the occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B) of the said Act, for every Twenty shillings of the annual value thereof,

In England, the Rate or Duty of Two pence, and

In Scotland and Ireland respectively, the Rate or Duty of One penny halfpenny.

Subject to the provisions contained in section three of the Act of twenty-sixth Victoria, chapter twenty-two, for the exemption of Persons whose whole Income from every source is under One Hundred Pounds a-year, and relief of those whose Income is under Two Hundred Pounds a-year.

(7.) *Resolved,* That, towards raising the Supply granted to Her Majesty, there shall be granted and paid on and after the sixth day of April 1870, upon a Licence to be taken out annually by every person who shall use or carry a Firearm of any description, or an Air Gun or any other kind of Gun, from which any shot, bullet, or other missile can be discharged, the sum of One Pound; and that on the 6th day of April 1870 the Excise Duties on Licences in Great Britain, and Certificates in Ireland, to take or kill game, imposed by the Act of the twenty-third and twenty-fourth years of the reign of Her Majesty, chapter ninety, shall cease to be payable.

(8.) *Resolved,* That the following Duties of Excise shall cease to be payable on the several days hereinafter mentioned (that is to say):

On the first day of October 1870:

Upon Licences to Hawkers, Pedlars, and Petty Chapmen and other Trading Persons who shall travel and trade on foot in Great Britain without any Horse or other Beast bearing or drawing burthen, and who shall carry their goods, wares, or merchandize to, and sell or expose for sale the same at other Men's Houses only, and not in or at any House, Shop, Room, Booth, Stall, or other place whatever belonging to or hired or occupied or used by them for that purpose in any town to which they may travel.

Upon Licences to Persons exercising the trade or calling of a Hawker, Pedlar, Petty Chapman, or other Trading Person going from place to place in Ireland, carrying to sell, or exposing to sale any goods, wares, or merchandize, and travelling on foot, with or without a servant or other person, employed in carrying goods of any such Hawker, Pedlar, or Petty Chapman, but without a Horse or other Beast of burthen.

On the sixth day of July 1870, upon the following Licences, viz.:

To Makers of Paper, Pasteboard, and Scaleboard.

To Makers of Soap for sale.

To Makers of Stills in Scotland and Ireland.

To Dealers in Plate, so far only as relates to the sale of Watch Cases by the maker thereof.

On the second day of September 1870:

Upon Licences to sell Playing Cards to Persons not being the Makers thereof.

(9.) *Resolved,* That, on the first day of July 1870, the Stamp Duties payable for Policies of Insurance under the tenth section of the Act passed in the twenty-eighth and twenty-ninth years of Her Majesty's reign, chapter ninety-six, shall cease and determine; and, in lieu thereof, on and after the 1st day of July 1870, there shall be charged and paid upon and for every such Policy as aforesaid a Stamp Duty of one penny.

(10.) *Resolved,* That, on the first day of January 1871, all the Stamp Duties payable in Great Britain and Ireland respectively under or by virtue of the Acts specified in the First Schedule hereto annexed, except the Duties on Licences to Bankers, and the Duties contained in the third part of the Schedule to 55th Geo. 3rd, cap. 184, shall cease and determine; and on and after the first day of January 1871, there shall be charged and paid for the use of Her Majesty, Her Heirs and Successors, upon and for the several Instruments specified in the Second Schedule hereto annexed, the several Stamp Duties in the said Second Schedule specified: — First Schedule: 55 Geo. 3, cap. 184; 5 & 6 Vict. cap. 79; 5 & 6 Vict. cap. 82; 6 & 7 Vict. cap. 72; 8 & 9 Vict. cap. 76; 13 & 14 Vict. cap. 97; 16 & 17 Vict. cap. 59; 16 & 17 Vict. cap. 63; 17 & 18 Vict. cap. 83; 18 & 19 Vict. cap. 78; 21 & 22 Vict. cap. 20; 21 & 22 Vict. cap. 24; 23 & 24 Vict. cap. 15; 23 & 24 Vict. cap. 111; 24 & 25 Vict. cap. 21; 24 & 25 Vict. cap. 91; 25 & 26 Vict. cap. 22; 27 & 28 Vict. cap. 18; 27 & 28 Vict. cap. 56; 28 & 29 Vict. cap. 96; 30 & 31 Vict. cap. 90; 31 & 32 Vict. cap. 124.—Second Schedule: Note.—The Second Schedule is the Draft Stamp Consolidation Bill.

(11.) *Resolved,* That, towards raising the Supply granted to Her Majesty, there shall be charged and paid, on and after the first day of April 1870, upon all sums received in respect of Traffic of every description upon any Railway in Great Britain, a Duty of Excise at and after the rate of one pound for every one hundred pounds; and the Duty payable in respect of the Fares received or charged for the conveyance of Passengers upon any Railway in Great Britain, on and after the first day of April 1870, shall cease to be payable.

(12.) *Resolved,* That it is expedient to amend the Laws relating to the Inland Revenue.

House *resumed.*

Resolutions to be reported *To-morrow,* at half-past Two of the clock;

Committee to sit again upon *Monday* 25th April.

CORRUPT PRACTICES.

MOTION FOR A SELECT COMMITTEE.

Mr. GLADSTONE, in rising to move the Resolution of which he had given notice, said, the Motion which he had to submit was one of some importance and delicacy, but it did not require from him any very lengthened observations. A Question had been put to him some time ago by an hon. Member opposite (Mr. Pemberton) in connection with the name of a Gentleman sitting in that House, which had appeared in the Report of an Election Commission, as having been connected with acts of bribery; and he believed more than one Member of the House to be in the same predicament, whether of established or presumable complicity. He would state briefly the grounds of the Motion he was about to make. It was a very natural thing to put on the Government, *primâ facie*, the responsibility of considering what should be done in cases of this class. They were very desirous to give to it careful consideration, and they had arrived at the conclusion that it was inexpedient, and would tend to confuse matters, which ought to be kept clear of collateral issues, for the Government to take upon itself directly the duty of advising the House what measures should be taken or abstained from in regard to presumable or alleged cases of connection with corruption, because, standing, as every Administration must, in a diversity of relations to Members with reference to the confidence which they did or did not receive from hon. Members, it was scarcely possible for any Government to discharge with efficiency functions of that kind, or escape the suspicion of being influenced by motives peculiar to themselves, and at variance with a due, impartial, and judicial consideration of the subject. On the other hand, they could not come to the conclusion that this was a matter that should be passed by, and it appeared to them, on the whole, that the proper course would be to advise the House to take the initiative itself, by the appointment of a Committee to consider the present state of the law, and its application to the particular cases that had arisen. With regard to these cases the points that would come chiefly into issue were these three—first, as regarded the institution of a prosecution against any Gentleman supposed to be connected with corrupt practices. In one of the cases at least, to which allusion was specially made, no such prosecution could be instituted by the Government. If a case fell within the limits of time specified by the Act it would be very much simplified, because it would be removed beyond the discretionary action of the Government. The statutory limitation of 12 months having expired in more than one, if not in all the cases, it might be held that a certificate of indemnity might be lawfully claimed. Another difficulty had arisen, that the evidence against the person or persons implicated might be said to consist mainly or entirely of their own evidence, which could not, on judicial grounds, be used against them. So much as to the prosecution. Then there was the question of sitting in Parliament, with regard to which a nice question of law arose. The words of the Act of Parliament were—

> "Any person other than a candidate, found guilty of bribery in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the seven years next after the time at which he is so found guilty, be incapable of being elected to, and sitting in Parliament."

Here at once the natural and obvious question arose—what was the meaning of the words—"has had an opportunity of being heard?" A Gentleman, for instance, was summoned before the Commissioners to give evidence, and made a statement upon which the Report of the Commissioners was directly founded. Was that a sense in which it would be suggested that the person implicated had been heard? As far as the opportunity had been afforded to him of learning the opinions of legal authorities, circumstances like these would not satisfy the full legal meaning of the phrase used in the statute. The person would not have been heard in the sense in which a criminal upon his trial was said to be heard, when power was given him of cross-examining the hostile witnesses, of calling witnesses in his favour, and of speaking either by himself or by his advocate, in his own defence. The further question arose whether, in any case of this kind, there was or was not ground for resorting to the extreme power which the House held in its own hands of expelling anyone who was returned as a Member. The use of that power in cases of bribery had certainly been extremely rare, and a very long time had elapsed since it had been resorted to. It was also a question whether the House would be morally justified in resorting to the exercise of such a power in any case where the grounds of accusation were less definite and positive than those upon which a conviction in a criminal trial would be obtained, or at any rate where the grounds of accusation were limited to the Report of a Commission, before whom it could not be alleged that the person accused had, in a judicial sense, been heard in his own defence. Those were matters which, in connection not merely with individual cases, but with the general state of the law, it was very desirable to bring under the consideration of the House, after they had been sifted, in the first instance, by a small but carefully chosen Committee of Members, who would bring to the consideration of the question all the advantages of experience, legal knowledge, discrimination, and the best qualities that the House could command. But he hoped that the subject would be kept detached from the larger and more general inquiries which it was proposed to add to his Motion by way of Amendment. The subject of his Motion was the personal responsibility of Members of the House, and the adaptation and adjustment of the provisions of the law, so as to make them adequate and applicable to that personal responsibility. But the Amendment of which the hon. Member opposite (Mr. J. Lowther) had given notice raised much wider questions, the first of which was as to the operation of the whole of the existing law regarding the trial of Election Petitions. In principle he did not make the slightest objection to such an inquiry, and although, remembering how recently one of the Acts had been passed, he desired to reserve to himself some freedom of action, he would not go so far as to say even that the present time was unsuitable for such an inquiry. But such an inquiry, being in its nature political, and not merely judicial in its character, ought properly to be committed to a tribunal chosen in the ordinary manner, and could not suitably be undertaken by the Committee, high in authority, but limited in number, which he proposed. The hon. Member further desired to raise a question with regard to the allegations contained in certain Petitions to the House, praying for an inquiry into the conduct of Commissioners appointed in accordance with the provisions of certain Acts. That, again, was a proposition of a grave and serious character, altogether distinct, both from the original Motion, and from the earlier part of the hon. Gentleman's own Amendment. He would not say that such a proceeding, if adopted by the House, would be of a penal character; but it would certainly be one of a highly accusatory character, involving personal considerations of the highest order, and, in itself, quite sufficient to engage the attention of any Committee. Upon the subject of the Amendment it was unnecessary for him at present to offer any opinion; but he trusted the hon. Member would allow the House to confine its attention to the proposal which he ventured to submit. He hoped the House would appreciate the motives which had led the Government to conclude that it was not desirable that they should assume to themselves directly the dealing with individual Members in cases of such delicacy; but that the House should be invited to take the subject into its own hands, and by appointing a carefully chosen and constituted Committee should conduct the whole matter to a satisfactory conclusion.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the state of the Law affecting such persons as have been reported guilty of Corrupt Practices by any Commission issued in accordance with the Acts 15 & 16 Vic. c. 57, and 31 & 32 Vic. c. 125, and who are now Members of this House, and to recommend what proceedings, if any, should be taken by this House with respect to such Members, and what alteration, if any, should be made in the Law."—(*Mr. Gladstone.*)

MR. J. LOWTHER said, that his proposal was not conceived in any spirit hostile to the proposition of the right hon. Gentleman; and a glance at the Members respectively occupying seats at either side of the House made it additionally gratifying that he was not attempting to raise anything which could be converted into a party question. On whatever side of the House hon. Members might sit, they were equally interested in putting a stop to the plundering of candidates. In the view of the right hon. Gentleman, the Amendment was altogether distinct from the original Motion; but let them remember the exact nature of the Government proposal.

It was for a Committee to inquire into the state of the law as affecting certain persons who were Members of that House, and who had been found guilty by a tribunal of corrupt practices. To right and left of the First Minister were sitting the Law Officers of the Crown; if all he wanted to ascertain was the state of the law, why did they not give him the necessary information? There was not, he ventured to say, an attorney's clerk in the three kingdoms who did not know what the state of the law was. The right hon. Gentleman had read the 45th section of the Act of 1868, the first words of which—"Any person other than a candidate"—showed that the section was not in any way applicable to the Motion which he had proposed. If the right hon. Gentleman had gone two sections back, he would have found the marginal note—"Punishment of candidates guilty of bribery;" he would not weary the House by reading the clause at length, but he hoped the Attorney-General would do so, and he would find that it, and not the 45th, was the important section with reference to this matter. So much for the state of the law. As to the second part of the Motion proposed by the right hon. Gentleman, he would ask what course did the Government propose that the House should be invited to take. Did the Prime Minister or anybody else contemplate that some *ex post facto* proceedings should be levelled against those who had just escaped from being brought within the provisions of the law, but had fallen under the censure of the Election Commissioners? Whatever the Report of the Committee might be, he ventured to think that the House would never follow the lead of the right hon. Gentleman in this direction, he presumed of expulsion, or something of that nature. The right hon. Gentleman had spoken of an alteration of the existing law; but it seemed to have escaped attention that the Act 31 & 32 *Vic.* c. 125, was only to exist for three years, "or till the end of the then next Session"—an alternative meant, as he supposed, to cover the contingency of a Dissolution of Parliament from unforeseen circumstances. From the concluding passages of the right hon. Gentleman's own statement it was evident that he considered some revision of the existing law to be necessary; and the Amendment pointed at the desirability of ascertaining what these changes should be. If it was proposed to alter the 43rd or the 45th section, any inquiry with this object in view must of necessity be a comprehensive and not merely a partial inquiry. In venturing to move this Amendment, he would remind the House that a wholly new state of matters had been called into existence by the statute passed in 1868. Of the effect of that statute they had now had a tolerably clear view, and it was not probable that knowledge or experience upon the working of these Acts would be obtained during the ensuing 12 months, though of course he was not prepared to say that the contingency might not arise. Still it was contrary to the spirit, though not to the letter, of the Act of 1868 that it should endure for a longer period than the next 12 months, and they must shortly, therefore, be prepared to look the difficulty in the face, and re-enact, remodel, or repeal the existing statute. The right hon. Gentleman would scarcely be prepared to say that either one of those courses should be adopted without previous inquiry, and without the appointment of a Select Committee whether large or small, and he would ask what time could be more opportune for such an inquiry than the present. The inquiry and the introduction of the new Act could scarcely be in the same year, and the present Session was still comparatively young. He did not for a moment desire to pit his private judgment against that of the right hon. Gentleman. If the right hon. Gentleman considered that he was accumulating too much work upon one body [Mr. GLADSTONE: Hear, hear!], he would waive his Amendment, on the understanding that the right hon. Gentleman would accept it in substance and give it effect either by the appointment of one or two Committees as he might think best. He desired now to say a few words with regard to the latter portion of his Motion asking for an inquiry into the allegations contained in the Petitions presented to that House concerning the conduct of certain of the Election Commissioners. He was particularly desirous of avoiding personal references in this matter, and should leave it to those hon. Members whose acquaintance with local matters would enable them to dilate upon the particular phases that these Election Inquiries had assumed. But it was right that he should draw the attention of the House to the fact that Petitions had been presented in considerable numbers praying for an inquiry into the mode in which these affairs had been conducted. It might, perhaps, be said that this demand for inquiry was raised by those who were averse from the suppression of corrupt practices. It was, however, very strongly urged in 1868 that the only way of checking these practices was by calling into existence a healthy state of public opinion. But what was the effect that these inquiries had produced on public opinion? Various proceedings had been instituted recently by the Law Officers of the Crown, and how had those proceedings been received by the public? They found that the failure of justice in one case, and the supposed abandonment of criminal proceedings in another, were hailed by torchlight processions, by bonfires, by illuminations, by the ringing of church bells, by enthusiastic applause on the part of crowds outside, and, he regretted to say, inside the Court. What did that mean? He was not going for one moment to assume that those demonstrations betokened any sympathy with corruption on the part of the inhabitants of those localities. [*Laughter.*] Hon. Members might laugh; but in the case of Norwich the Commissioners themselves said that there was a sincere desire on the part of the great mass of the constituency to put down corruption. [The ATTORNEY GENERAL: Among some of the leading men.] He did not remember the word "some;" but he would accept the correction of the hon. and learned Gentleman. It should, however, be remembered that the corruption in the borough was of the most infinitesimal character — only 137 cases in the whole town. But these demonstrations were not in sympathy with corruption, they were merely the result of the popular feeling which always had been called into existence, and always would, he trusted, in this country when an impression existed in the minds of the people that any of Her Majesty's subjects had been made the victims of oppression, of injustice, or of wrong. These Petitions complained of the violent and injudicial demeanour of the Commissioners. They complained further that the inquiries were conducted in a manner opposed to all the ordinary practice of Courts of Justice. They complained that, in many important and essential points, some of the principal features of the inquiry were entirely suppressed in the Minutes of the Evidence, and that a very vigorous use of the scissors had been made before the transmission of the Evidence to the printers—a charge which, he was sorry to say from inquiry, he had every reason to believe, was accurate. The Petitions complained that the conduct of the Commissioners was calculated to bring the administration of the law into contempt. It might, of course, be said that these were charges brought by corrupt agents, by frequenters of the public-houses where the visits of the Man in the Moon were paid; but he must draw their attention to some remarks which were made in a place where such feelings could have no influence, and by an authority whose weight could not be gainsaid. It was said by a person before whom this matter was the subject of inquiry—

> "But I must say that having again and again looked over the questions and answers, the result has been to produce a most painful impression upon my mind as to the injustice with which he has been treated, and I do not remember ever in the course of my experience to have heard or read of such a cross-examination as that to which he was exposed. They commence by telling him to make his own statement; but from first to last he is never allowed an opportunity (I might almost say) of putting two sentences together. Seldom does it happen that a question is put which he is allowed to answer without interruption from one or other of the Commissioners."

That was the opinion given by the Lord Chief Justice of the Queen's Bench in delivering the unanimous decision of the Court in Mr. Lovibond's case; and the Lord Chief Justice, after commenting upon an observation by one of the Commissioners that the witness gave evidence in a disgraceful manner, said—

> "This was an animadversion entirely beyond the scope of the Commissioner's functions;" and he added, with much emphasis, "that though he would not say that the term 'disgraceful' was altogether inopportune, he did not think it was to the witness the remark ought to be applied."

The operation of the Act had not, up to the present time, been satisfactory; and the question was, how should they proceed to investigate and to discover what alterations were necessary? The tribunal to which he was now especially referring was a tribunal which might be made a very effectual one, though he thought that the machinery prescribed by the Act scarcely admitted it. For, what was the nature of the tribunal? He did not wish to dwell particularly upon the questions to which he had just referred; but in one case a gentleman was selected whose capacity was not only unknown, but whose singular incapacity for the performance of that or any other delicate duty was patent to all the world. In saying that, he was merely expressing the opinion of every independent man throughout the country. But he would ask what, under the most favourable circumstances, was this tribunal? Why, it consisted of a trio of fifth-rate sessions barristers. These gentlemen were constituted summarily into a tribunal, with powers greater than those which belonged to any tribunal at any period of our history, not even excepting the Star Chamber. These gentlemen were intrusted with powers of this magnitude, uncontrolled by the authority of our ordinary Courts of Law, and employed those functions to damage at random the characters of any of Her Majesty's subjects; and he should, therefore, feel much surprise if the right hon. Gentleman was not prepared to afford a full and impartial inquiry into complaints which had been made from so many quarters, and the justice of which had received such high judicial recognition.

Amendment proposed,

To leave out all the words after the words "inquire into the" to the end of the Question, in order to add the words "operation of the Acts 15 & 16 Vic. c. 57, and 31 and 32 Vic. c. 125, and to recommend what alteration, if any, should be made in the Law; and, further, to inquire into the truth of the allegations contained in Petitions which have been presented to this House during the present Session, praying that an inquiry may be instituted into the conduct of certain Commissioners appointed in accordance with the provisions of the above-recited Acts,"—(*Mr. Lowther,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE ATTORNEY GENERAL said, he had heard with great satisfaction the assurance of his hon. Friend (Mr. Lowther) that there was not the slightest difficulty about the law on this subject. He confessed that to him the law did appear somewhat obscure; it had so appeared to his hon. Friend the Solicitor General, and he believed he might say it had appeared doubtful to the Lord Chancellor; but it was very satisfactory to know that these doubts were all dispelled by the lucid intellect of his hon. Friend. His hon. Friend said that this section could not possibly apply to any Member of that House, because it related to persons other than candidates. But he appeared to have forgotten how this question had arisen, which was in this way—that the Bridgwater Commissioners and the Beverley Commissioners had put into the Schedule persons who were not candidates, but who had since become Members of that House. The real difficulty had been mentioned by his right hon. Friend the First Lord of the Treasury, and would be patent to any lawyer. *Primâ facie*, it might be said that the words—

"Any person other than a candidate found guilty of bribery in any proceeding in which, after notice of the charge, he has had an opportunity of being heard,"

meant the case of a person who had appeared before the Commissioners, having had notice of the charge, and having had an opportunity of giving his evidence. But then arose the further important and difficult question, whether, that being the construction according to the words, it was the construction according to the spirit of the Act, and whether the spirit of the Act would not require that a man should be heard, not merely giving his evidence, but cross-examining the witnesses against him, calling witnesses if he chooses on his own behalf, and speaking either personally or by an advocate in his own defence. That was a question of some difficulty which required solution, and he could not conceive a better tribunal for solving it than the Committee which had been proposed by his right hon. Friend. The credit of the House itself was affected. The Question put by the hon. Member for East Kent applied to certain Members of the House, and it was upon that ground—as a matter affecting the House—that his right hon. Friend proposed his Motion. He hoped, therefore, his hon. Friend (Mr. Lowther) would accept it. He understood it to be part of the conditions of his hon. Friend that the Government would allow a separate Committee to which the subjects to which his Amendment related might be referred. With respect to the first part of the Amendment—namely, a Select Committee to inquire into the operation of the Act 15 & 16 *Vict.* c. 57, and to recommend what alteration, if any, should be made in the existing law—he understood there would be no opposition on the part of the Government. But when they came to the second part of the Amendment, which was to institute a Committee of that House to sit upon all these Commissions and to inquire into their conduct—in fact, to institute an inquisition upon their inquisitions—that appeared to him to be going a very long way indeed. The House would not put Commissioners whom itself had appointed upon their trial without very grave cause being made out. He would now say two or three words in defence of the Commissioners. He freely admitted that the Commissioners were unpopular in the boroughs to which they had been sent, and he would say if they had been popular it would have been perfectly clear that they had not discharged their duty. [Mr. STAVELEY HILL: No, no!] These Commissions had always been unpopular, and if his hon. and learned Friend in reply could show that they were popular he would achieve a greater triumph than he had ever effected in a Court of Law. They were unpopular, and their unpopularity had been increased by a very salutary Act, throwing their expenses on the borough. If they were unpopular before, they were detested now. These Commissions had the greatest difficulties to contend with, for the two or three parties that were in hostility before combined together and endeavoured to hoodwink them by every possible artifice; and when the Commissioners tried to see through all these practices, they were abused in the local papers and a general feeling of virtuous indignation was excited against them. He maintained, if hon. Members looked to the volumes containing a vast number of questions, amounting to some thousands, they would see that the Commissioners had done their duty. He did not dispute if they scrutinized all the questions, and all the observations that had been made, that some would not be open to objection; but they must take matters as a whole, and, notwithstanding all that had been said and all the complaints of persons who were reported guilty of bribery—and probably for very excellent reasons, he contended that the Commissioners had conducted their inquiries with ability, with much industry, with perfect good faith, and with an uncompromising determination to arrive at the truth. His hon. Friend had remarked on some observations which had fallen from, no doubt, a very high authority; but it was not immaterial to observe that this Mr. Lovibond was at the head, he might say, of the bribery of his party. Mr. Lovibond was one of those who endeavoured to induce the candidates to spend money and to break the virtuous resolution they had come to of conducting the Election purely. Of course, he must admit that some of the observations which fell from the Chief Justice were of a very severe character; but Mr. Justice Blackburn, though no doubt not differing from the rest of the Court, expressed the opinion that Mr. Lovibond did not answer many of the questions put to him in a satisfactory manner. The Solicitor General and himself had since had more experience of Mr. Lovibond. They had both been at Taunton, and Mr. Lovibond, in the presence of the Judge, had prevaricated just as he had done before the Commissioners, so much so that the learned Judge had allowed his hon. and learned Friend to cross-examine Mr. Lovibond, though he had been called by his hon. and learned Friend. Now, that was the sole case against these Commissioners. He ventured to say that no part of the conduct of the Commissioners at all warranted such a Resolution as that proposed by his hon. Friend. He was sceptical as to the feeling at Norwich being generally in favour of the purity of the borough. The Commissioners reported that though at the last Election there was an agreement between the candidates on both sides that no money should be spent, a vast number of the electors were waiting about the public-houses to be bribed, and were afterwards bribed. Some of them wanted a sovereign, but subsequently reduced their demand to half-a-sovereign, 5*s*., and even a pot of beer. The price was small only because the demand was not large. He did not think it would be becoming of him to enter into a discussion on the criminal proceedings he had directed to be instituted; and, therefore, he would conclude by expressing a hope that the course recommended by the First Minister of the Crown might be adopted by the House.

Mr. HUNT said, he did not think there was so much difficulty in interpreting the law as the hon. and learned Gentleman (the Attorney General) had represented. He said this, having regard to the evidence of Mr. Baron Martin, and the other Election Judges before the Committee on Parliamentary and Municipal Elections. It appeared to him (Mr. Hunt) that there would be more difficulty as to what Members would come within the law. He agreed with the right hon. Gentleman at the head of the Government in thinking that the two inquiries proposed by his hon. Friend (Mr. Lowther) could scarcely be intrusted to the same Committee; and he would therefore suggest to his hon. Friend whether it would not be well for him to accept the offers of the right hon. Gentleman at the head of the Government. The subject of the latter part of his Amendment he might bring forward on another occasion. If, however, it was arranged to divide the labour in that way between two Committees, he would suggest to the right hon. Gentleman whether the inquiry as to any alteration in the law should not have reference to such change, whether it affected Members of that House or other persons. With regard to the Commissioners, he was not there to go into particulars as to their mode of conducting their inquiries; but he desired to express his opinion that it was an evil to make Commissioners in such cases both the prosecutors and the judges, and he hoped that when any future inquiry of this nature was undertaken some one would be sent down charged with the duty of getting up evidence, so that the Commissioners might confine themselves to their proper functions as judges. No doubt it was difficult to get gentlemen of the highest position at the bar to undertake this employment; but as it was necessary that the Reports on these important questions should have the confidence of the public, it would be necessary to offer sufficient remuneration to attract men of eminence.

The ATTORNEY GENERAL said, that two of the Commissions were headed by Queen's counsel and another by a serjeant.

Mr. HUNT said, he had no desire to discuss the position of the gentlemen whose conduct was complained of. He merely called attention to the fact that the gentlemen sent down sometimes did not occupy a leading position in their respective circuits. By the engagement of eminent men complaints would be avoided.

Mr. PEMBERTON said, he thought the Government ought to be thanked for having taken a step in the right direction; because he could not but hold it to be a great scandal that Gentlemen convicted in the way referred to should sit in that House unchallenged, while persons in inferior positions—perhaps the agents of those Gentlemen—were suffering imprisonment. He could assure the House that when he first brought forward this subject he did so without any party feeling. He did so on reading the first Report that had come under his observation. He was not prepared to support the Amendment of his hon. Friend (Mr. J. Lowther). The last part of it he regarded as foreign to the inquiry before the House; but he did not think the inquiry as to the law itself need be limited to its effect on Members of that House.

Sir ROUNDELL PALMER said, the inquiry was into the position in which some hon. Members were placed by the Reports that had been made. Those Reports naturally provoked the jealousy of the public, who wished to know the real position of such hon. Members, and whether they ought to continue in their capacity of legislators. That was a question which must depend upon the law, and hon. Members would be taking upon themselves the office of legislators, and not of administrators of the law if when they had passed an Act defining the way in which the guilt of bribery was to be brought home to a man in order to render him incapable of sitting in the House, they took upon themselves to say he should be disqualified, although those conditions had not been fulfilled. He hoped the House would take warning by the present difficulty, and amend the law relating to such cases, so as in future to prevent any reflection being cast on the character of the House. It would be going beyond the law if, when the charge had not been brought home to the persons affected, the House did not give them the benefit of the existing law, his own impression as to which was, that there should be an accusation or charge, a legal hearing of the accused, with a full opportunity of cross-examination and defence, and a conviction by a competent tribunal; none of which circumstances had occurred in these cases. The fact that various opinions existed among hon. Members who were conversant with the law showed that it was extremely desirable that the subject should be carefully examined.

MR. STAVELEY HILL said, he was of opinion that the persons implicated could not now be dealt with under any existing statute, and he concurred in thinking that they should not deal with this question by *ex post facto* legislation. He did not believe that Bribery Commissions were unpopular, he having been engaged in a most searching inquiry—that at Lancaster in 1867—and he had never found any unpopularity or odium attach to either of his two learned colleagues or himself. As regarded the city of Norwich, after asking 45,000 questions, the Commissioners found that corrupt practices did not generally exist in the city of Norwich, and that the whole sum spent in bribery was something less than £50.

THE SOLICITOR GENERAL said, that before passing the Act which had been referred to the House always maintained a jurisdiction over its Members, and exercised it from time to time in the way it thought fit. Any power which was not taken away by that Act still remained in the House, and ought to be exercised fearlessly whenever occasion required it. There was very great doubt as to the meaning of the section, and he could not share in the certainty to which his hon. and learned Friend (Mr. Staveley Hill) had so pleasantly arrived. Unless the Section referred to some such procedure as that before a Commission he did not know to what it could allude, and therefore he was not able to give any positive opinion on the subject.

MR. J. LOWTHER said, he would withdraw his Amendment on the understanding that it was not to be opposed, and that he was to be at liberty to move the first part of it as a substantive Resolution. He would call attention to the subject of the latter part later in the Session.

Amendment, by leave, *withdrawn*.

Original Question put, and *agreed to*.

GAME LAWS AMENDMENT, &C. BILL.

On Motion of The LORD ADVOCATE, Bill to amend and assimilate in certain respects the Laws of England and Scotland relating to Game, *ordered* to be brought in by The LORD ADVOCATE and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 101.]

OYSTER AND MUSSEL FISHERIES SUPPLEMENTAL (NO. 2) BILL.

On Motion of Mr. SHAW LEFEVRE, Bill to confirm certain Orders made by the Board of Trade under "The Sea Fisheries Act, 1868," relating to the Frith of Forth, *ordered* to be brought in by Mr. SHAW LEFEVRE and Mr. STANSFELD.

Bill *presented*, and read the first time. [Bill 100.]

VALUATION OF LANDS AND ASSESSMENTS (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to amend the Acts for the Valuation of Lands and the levying of Assessments in Scotland, *ordered* to be brought in by The LORD ADVOCATE and Mr. ADAM.

Bill *presented*, and read the first time. [Bill 102.]

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Tuesday, 12*th April*, 1870.

MINUTES.]—WAYS AND MEANS—*Resolutions* [April 11] *reported*.

The House met at half after Two of the clock.

CANADA—INTERCOLONIAL RAILWAY LOAN.—QUESTION.

MR. MONK said, he wished to ask the Under Secretary of State for the Colonies, Whether his attention has been called to a telegram dated Ottawa, April 8, which appeared in "The Times" of yesterday, to the effect that the Minister of Finance had stated that the Canadian Government intended to disregard the opinion of the Law Officers of England as to the appropriation of the Intercolonial Railway Loan of last year; and, whether the Government have received any information confirmatory of that statement?

MR. MONSELL said, in reply, that no information had reached the Colonial Office to the effect that the Canadian

Minister of Finance had stated that the Government of the Dominion intended to disregard the opinion of the English Law Officers as to the appropriation of the Intercolonial Railway Loan of last year, although two telegrams on other subjects had been received that morning from the Governor General of Canada.

SCOTLAND—ROADS AND BRIDGES.

QUESTION.

Mr. STUART PARKER said, he wished to ask the Lord Advocate, Whether he intends, as soon as the state of Public Business permits, to bring in a Road and Bridges Bill for Scotland, such as that which was introduced by the late Lord Advocate last year?

The LORD ADVOCATE, in reply, said, he was afraid there was no probability whatever that the state of Public Business would permit of the introduction of such a Bill during the present Session; but he hoped and believed it would be in his power next Session to introduce a measure on the subject.

PARLIAMENT—PROGRESS OF PUBLIC BUSINESS—ADJOURNMENT.

Moved, "That this House at its rising do adjourn till Monday the 25th of April."—(*Mr. Gladstone.*)

Sir WILFRID LAWSON rose to call attention to the serious public injury caused by the delay in introducing the Government Licensing Bill, and to the imperative necessity for dealing with the question during the present Session. What he had to complain of was the great delay on the part of the Government in announcing their policy respecting a question which excited a very deep and very general interest in most parts of the country—a question which concerned the prosperity, the comfort, and even the lives of very many of our fellow-countrymen. More than 14 years ago a Committee sat on this subject, which recommended immediate legislation. Time went on, and no Government was disposed or was strong enough to deal with the question; consequently the matter fell more or less into the hands of private Members, and on two occasions he had introduced Bills which would have effected useful reforms. On the 12th of May last year he moved the second reading of the Bill he had introduced; but the Home Secretary opposed it, admitting the evils that existed; but promising that at the earliest opportunity the Government would introduce a measure of their own. The right hon. Gentleman (Mr. Bruce) then said that a Bill was ready, which had been approved by successive Secretaries of State, and which, with a few alterations, would effect a great improvement in the law relating to licences and the sale of intoxicating liquors; that the Government would deal with the subject in the next Session of Parliament, and that the result would be a great improvement upon the present state of the law. This declaration tended to secure a majority against the Bill; but Easter was now come, the promised measure was not before the House. It was necessary for many reasons that this question should be settled as early as possible—it ought not, in common fairness, to be kept dangling over the heads of those engaged in the trade. He knew that the Licensing Bill was not wanted by the trade, who said "Let us alone," as the slave-owners used to say; nor was it wanted by the Chancellor of the Exchequer, for the consumption of drink was most satisfactory as far as the finances of the country were concerned; but if hon. Members had reflected on the mass of misery which that consumption produced, they would not have listened with so much satisfaction as they did on the preceding night to the glowing account of the Chancellor of the Exchequer. The Home Secretary could not allege as his excuse for not bringing in a Bill any sensible diminution of drunkenness; for they knew that pauperism was increasing, and it could not be said that crime was diminishing. Now this Bill was asked for, and it was admitted by the Government to be required for the purpose of checking pauperism and crime in the country. There was a time when this question was a "crotchet"—everything was a "crotchet" while it was held by a minority, but it ceased to be a "crotchet" when it was taken up by the Government; and by taking it up Government admitted the evil with which they were bound to deal. He would admit the plea, and sympathize with it, if it should be urged that the Government was overdone with work and with the number of important measures they were endeavouring to pass. But he complained that while they had introduced many important measures, they had neglected this, which was the most important of all—more important than the Irish Land Bill or the Education Bill, and certainly more important than the University Tests Bill. It was a Peace Preservation Bill and an Education Bill in one. He thought they were entitled at least to see the Bill of his right hon. Friend. After all the promises that had been made, the House was entitled to see the Bill of the Home Secretary, and if it were a good Bill it would receive out-of-doors an amount of support sufficient to carry it through the House; but the Government would regret trifling with the question and losing the opportunity to carry one of the greatest reforms that could be proposed for the benefit of the people.

Sir HENRY SELWIN-IBBETSON said, that while he regretted as much as the hon. Baronet (Sir Wilfrid Lawson) that the Government Bill had not been laid on the Table with a chance of its being passed this Session, he could not join him in urging the Government to introduce it if they did not see a prospect of carrying it; for nothing could be so disastrous as that it should remain under discussion until next Session. He believed that he spoke the sentiments of a great number of persons who were acquainted with the state of Public Business when he exonerated the Home Secretary from any neglect in not bringing forward his measure. As much as anyone he wished to see a comprehensive measure passed; he regarded his own Bill of last year as touching only the outskirts of the question, but he believed it had done some good in preparing the public mind for a larger and consolidating measure. But he thought the hon. Baronet opposite was scarcely justified in attributing the fate of his measure to the promise of the Home Secretary, which would surely have operated quite as adversely to the Beerhouses Bill, which was carried; and the hon. Baronet opposite ought rather to see in the scope of his Bill a reason why it was not acceptable to the country. He could only express a hope that the Government would soon be able to deal with the whole question in a comprehensive spirit, and would introduce a measure which might become law.

Mr. OSBORNE said, he would be the last man to underrate the amiable exertions of the hon. Member for Carlisle (Sir W. Lawson), nor would he call his cause a "crotchet," because the sole aim of the hon. Baronet and of his supporters was the good of the public; but he would not join with him in finding fault with the Government for not bringing in a Licensing Bill—in his opinion their fault lay rather in having introduced more measures than they could deal with successfully in the course of the Session. What earthly use would there be in bringing in a Bill of this sort merely to lay it on the Table, and then let it be shot at by everyone throughout the country who was opposed to its provisions? It would be most unwise for Government to bring in any measure of the kind, without being able to deal with the subject effectually and carry the Bill in the course of the Session. He therefore trusted that the right hon. Gentleman the Home Secretary, seeing the block of business already existing in the House, would not put another omnibus in the way to hinder the House driving on. His regret was, that the Goverment were straining and endeavouring to do so much. But it was not merely the fault of the Government that the business was in its present condition. The country had got a new House of Commons now, and he was amazed at the thirst for information manifested by it. Formerly there used to be three or four Questions put on the Paper by Gentlemen connected with large places; but now there was scarcely a Member for the most insignificant borough who did not ask two or three Questions on matters of all kinds—one had even got up his enthusiasm on the subject of policemen's hats. An hour and a-half were taken up every night by this thirst for information, and then the Government were accused for not carrying their measures through. As he said before, they seldom got to the business fixed for consideration before an hour and a-half or two hours had been consumed in asking Questions. Therefore the Government were not to blame on that score. But they were very much to blame for proposing to bring forward so many subjects. Let the House think of the questions now before it. First of all, there was the Irish Land Bill; and that was so important a measure that it was quite sufficient of itself for one Session

—and particularly considering the way in which it was met. The open opposition on the Benches opposite was inconvenient enough; but it had the much greater inconvenience of the support of hon. Gentlemen on this side who had been Judge Advocates and that sort of thing. He repeated that the measure of itself was quite sufficient for the whole Session, and he did not see what they should be able to do with it if the Opposition went on as it had done. Then there was the Education Bill. Did anyone suppose, in the way in which things were proceeding, that the Education Bill would pass in the present Session? And next there was the Ballot. Now, he asked any hon. Gentleman if, in addition to those three measures, the Government were to be called on to bring in a Licensing Bill—which, he supposed, was the Permissive Bill in disguise—what chance would there be of any business being done at all, and who could name the day for the second reading of the Licensing Bill? He was satisfied there would be a murder of the innocents this year on a scale such as this House had never seen before; and he believed that if they got through the Irish Land Bill it was as much as they would be able to do. He saw signs of preparation to erect a tomb-stone over the Education Bill; its epitaph was being written; and it would not surprise him to see the Ballot also consigned to the grave. For his part, he should be content to see it decently interred this Session, on condition that the Irish Land Bill should be passed in a proper form. In the existing state of Ireland, the measure was of the utmost importance. He only hoped that the right hon. Gentleman at the head of the Government would shut his ears to the voice of the charmer, charm he ever so wisely, and not bring in too many Bills. That was the only way of conducting the business of the House satisfactorily.

Mr. BRUCE said, that, knowing the deep interest felt by his hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) in the question of licensing, he was not surprised that he should call attention to the matter; but he hardly thought his hon. Friend candid in the speech he had made, because he could hardly suppose that a measure like the Licensing Bill, touching so many interests, could be passed very easily through Parliament, even with the whole weight of the Government exerted for the purpose. He desired that the Bill which he proposed to introduce should be a complete measure. He readily admitted that he had underrated the enormous difficulty of the subject—it had already caused months of labour to himself and to the able men employed in the preparation of the Bill. More than 40 Acts of Parliament were to be dealt with; and he had discovered many inequalities and injustices in the existing law requiring a large amount of time and of anxious consideration for their solution; and though he might be sanguine enough to believe that the measure of the Government, when he should be able to introduce it, would meet with the acceptance of the House, if there were time to consider it, yet he agreed with the hon. Member for Waterford (Mr. Osborne) that it would not be right to bring it before the country without a reasonable prospect of passing it. If, however, on other subjects than the Irish Land Bill the House were to practise total abstinence, or even a reasonable amount of temperance in the consumption of time, there might be a possibility of getting through the measure in this Session. He attached as much importance to the subject as did his hon. Friend; but there were two measures he must place before it—namely, the Irish Land Bill, and the other Bill affecting the welfare of the great body of the people in reference to education. He hoped that those two measures would be passed in reasonable time, not only on account of the benefits they would confer on the country, but also because then the way would be made more easy for the measure on the subject of licensing. He did not say that even now he had altogether given up the hope of introducing the Licensing Bill in the present Session, though he was not sanguine in the expectation; but, if disappointed in the hope, he would undertake to bring it in on the earliest day possible next Session, so that the period of two years, to which the Bill of the hon. Baronet opposite (Sir Henry Selwin-Ibbetson), was limited, would not have passed away before the introduction of the Government measure. He was glad to bear testimony to the good which the hon. Baronet's Bill, the Beerhouses Bill, had effected in getting rid of ill-conducted houses and in promoting morality. As he should not have the opportunity of speaking again, he would now inform the noble Lord the Member for Haddingtonshire (Lord Elcho) of the course intended to be pursued with respect to the Mines Regulation Bill. It stood on the Paper for the 25th of April, and it was his intention to move on that day that the Bill be committed *pro formâ* for the purpose of introducing several Amendments, and of embodying in the measure the clauses of a Bill introduced in the other House dealing with the subject of metalliferous mines, so that the whole subject of mines might be dealt with.

MR. BERESFORD HOPE said, he was rejoiced to find that, whatever might be the glut of business, the Government were determined to proceed with the Education Bill. If they did not press it forward now the evils would be incalculable. The people of England were never better prepared for it than they were now, and he believed he spoke for all on his side the House when he said they would afford the right hon. Gentleman every assistance to pass a satisfactory measure on that important subject.

MR. MUNDELLA said, he had great satisfaction in hearing that Members on the Opposition side of the House would help to pass the Education Bill; but, if so, a very different course must be pursued in the future from that which had been taken in the past. They had had seven days' discussion on the Irish Land Bill in Committee, and they had only passed one clause and a-half. Up to Whitsuntide there would be only 12 Government nights available for the consideration of that Bill, in reference to which 320 Amendments were on the Paper; and the noble Lord the Member for Haddingtonshire (Lord Elcho) had distinctly promised that as long as five Members would join him he would go into the Lobby against anything affecting the freedom of contract. The House had a proof of the tactics of hon. Gentlemen opposite last Friday, when they wasted a whole afternoon in discussion, and when a noble Lord opposite (Lord Claud Hamilton) talked by the clock, with the evident object to kill time, and thereby kill the Bill. That policy, too, met with the applause of hon. Gentlemen sitting around the noble Lord—so that by the aid of weak-kneed Members on the Ministerial side and factious Members on the Opposition side the progress of the Bill was impeded. What hope, then, was there of passing, during the present Session, that beneficent legislation mentioned in the Queen's Speech? Why, the first night he entered that House he heard the right hon. Gentleman the Member for Bucks reproach the Government for not bringing in an English Education Bill. They had such a measure now before them, this being the second Session since that time; and hon. Gentlemen around him talked with complacency of deferring it for another Session or two. The whole educational life of 1,500,000 English people was slighted in order that some hon. Members on either side of the House might ventilate their opinions on comparatively unimportant subjects. There were, as he had stated, only 12 Government nights available after Easter and before Whitsuntide for the Irish Land Bill, and the Estimates must also be discussed. What, then, would become of the Education Bill, the University Tests Bill, the Ballot, and the Trades Unions Bill? No honest man in that House who had watched the eagerness with which the Government had pushed forward their measures could complain of any want of sincerity and ardour on their part. The noble Lord opposite (Lord Elcho) was always ready to trot up and down that horse which Tennyson called "Proputty! proputty! proputty!" to the no small danger of cantering away with everything good and useful for the people of this country. With that chivalrous recklessness of consequences which distinguished him, the noble Lord, like the whole of his class, was quite prepared to oppose everything so long as he could trot on this horse of freedom of contract. But he must remind them that the responsibility was great, and the people of England would visit it heavily on those who were the cause of deferring the important measures to which he had alluded. The Session which opened so bright with promise he now feared would be comparatively barren and fruitless, and he trusted the Government would, during the Recess, endeavour to devise some means of pressing on their measures. They had come to some common agreement on the Education Bill, except his hon. Friend the Member for Carlisle (Mr. E. Potter), who would never get anyone to agree with him on the secular point. Yielding to imperious necessity, they had passed a Coercion Bill for Ireland; but when the people asked for bread, would they be content to give them a stone? He hoped by passing a Land Bill they would do something to satisfy the just expectations of the country; if not, they would bring Parliamentary government into contempt.

LORD ELCHO: After the personal allusions which have been made to me, the House will, perhaps, allow me to follow the hon. Member who has just sat down (Mr. Mundella), although my Question has been answered by the Secretary of State relative to the Mines Regulation and Inspection Bill. The hon. Member appears to have great satisfaction in feeling that, after being so short a time a Member of this House, he has acquired a position that entitles him not only to lecture one who has sat here between 20 and 30 years, as having shown during that period an utter absence of thought for anything but selfish advantage—not only to lecture an humble individual like myself, but to lecture a great party on the course they have taken on an important public measure. Now, Sir, the fame of the hon. Member for Sheffield rests upon this—that he has, or rather claims to have, invented and patented a system of reconciliation between workmen and employers, which was shown in evidence before the Royal Commission which sat on Trades Unions, to have been in operation in agreement clauses in the Potteries for some 20 years before. That is his claim to fame and to a seat in this House—and we have to-day had in our collective capacity a taste of his quality of conciliation. The other night, after I left the House, I had some taste of it in my individual capacity. I was met with a threat. The hon. Member said to me that any person who took so factious a course ought to be turned out of Parliament. ["No, no!"] I say that is a matter which is quite legitimate to mention in this House. That is not the way in which an hon. Member ought to be treated by any other Member—least of all by one who has but recently come into Parliament. I have a right to assert my own independence in this House. I stand here entitled to express my own opinions. I confess the other night I did cheer the noble Lord who showed so much fluency and eloquence. I was carried away by his eloquence, and I urged him to continue by my cheers. Why? Simply on this ground—the question at issue was one of vital importance, not only affecting the Irish Land Bill, but the whole matter of that property which, when it takes any other form than a cotton loom, the hon. Member for Sheffield thinks unworthy of notice. The question arose on an Amendment moved by a right hon. Gentleman on the other side, that on the expiration of a lease the owner of the property should be able to resume the holding. That proposition was disputed by the Government. I say it is a monstrous proposition that a person holding by lease should be entitled on the expiration of the term to set up a claim to compensation for disturbance. I say, if it applied to the lease of a loom or a factory, the hon. Member for Sheffield would hardly venture to maintain so monstrous a proposition. Considering the bearing of such a proposition, and that if it was applied to Ireland, it must be applied to all leases whether in England or Scotland, I thought it very desirable that the Bill should be hung up till after Easter, in the hope that the House might regain its calm reason in reference to the subject. What a system of tyranny is attempted to be enforced when an hon. Gentleman gets up on the other side of the House—a Member who represents what?—not the Radical element of that great Liberal party, but the old Whig element, once the ruling and governing spirit of the party—one to whom the name of Lord Palmerston must still, I should think, be something more than an empty sound. If a Gentleman with some respect for property—which Government exists to protect, gets up on the other side of the House, and ventures to vindicate its rights, my hon. Friend the Member for Waterford (Mr. Osborne) talks of the Bill having to encounter open opposition on this side and inconvenient support on the other—and from whom? He sneered at my right hon. Friend the Member for Newcastle (Mr. Headlam) as a Gentleman who had been Judge Advocate General, or something of that kind. And what does the hon. Gentleman who has just sat down say? He talks about the action of week-kneed Members on one side and of factious Members on the other. Now, I only hope the effect will be to rouse up more spirit among those inclined to be weak-kneed; for there are many who have not voted who yet sympathize with those who have voted on the other side of the House. To show how they are attempted to be dragooned on the other side, not only by the two Members to whom I have referred, but by the Press, here is the way they are talked of—

> "Conservative strategy would have little success but for the support indirectly offered by not a few Liberal Members, who are airing their own crotchets."

And why is this? Apparently to defend property from the aggressive attacks of the Government.—

> "There must be an end of this (it is said); there must be union; there must be discipline; there must be obedience on the side of the Liberal party from front to rear. There must be silence in the ranks."

That is the order that is gone out from one of the organs of the Press always most devoted to my right hon. Friend at the head of the Government. I maintain that those who sit on this side are justified not in throwing out a Bill of this kind, but in endeavouring by every means in their power to get such alterations and Amendments made in it as will render it a reasonable and safe measure. I voted for the second reading, because I agreed with those who spoke in its favour that it is desirable, if we can, to attach Ireland to us by ties stronger than those of force. I believe that this may be done, or at least that we may pass a measure with that object, which shall not contain provisions such as I object to in this Bill, but which, at the same time, will contain all that is right and just towards Ireland. Having passed such a measure, the Imperial Parliament will have done, upon its side, all that it can reasonably be expected to do, with the object of meeting the views of the Irish people. But what I complain of is not only that the Bill contains objectionable principles, but that every alteration which is attempted to be made in it should be viewed by the Government as striking at the root and principle of the Bill. The Government are in a chronic state of resignation on this question. ["Oh, oh!" "Hear, hear!"] I maintain that you might amend the Bill in the sense of the Motion of the right hon. Gentleman the Member for Newcastle, and yet leave it a most just and reasonable measure, and one that Parliament will be perfectly justified in passing. But if, with a view of what is called carrying the Irish feeling along with us, we pass measures that are unsound in principle, they are certain to re-act upon this country and on Scotland; and we, who are opposed to such measures, are justified in doing—not factiously—what we can to get the country to look at the question in the same light that we, rightly or wrongly, see it in. And I hope that those who are sent here for the defence of property—I repeat the words without fear—will think it due to their position to endeavour to join us on this side in making this Bill reasonable in those points where they think that it is unreasonable.

Mr. GLADSTONE: After, I must say, one of the most thoroughly unprofitable discussions of five hours' duration to which it ever was my fate to listen in this House, on Friday last we reported progress on the Irish Land Bill, and adjourned the further consideration of the measure till the 28th of the month. I own I was in hope that we should have enjoyed an interval of repose, and I am extremely sorry that my noble Friend (Lord Elcho) has thought fit to found upon what, at any rate, was a very weak comment by my hon. Friend behind me (Mr. Mundella) a criticism upon the Bill, and the mode in which it is conducted. I will endeavour not to give ground to anybody for continuing such a discussion; but I must simply say—which I hope will not be thought excessive—that when the noble Lord speaks of the "dragooning" of Members on this side of the House, he is resorting to an ancient and well-known method of exciting conflict and controversy among us—which, at any rate, to-day is, I think, out of place. And when my noble Friend says that we have declined to admit Amendments, but have on all occasions resisted them as aimed at the principle and life of the Bill, I appeal from my noble Friend to the speech of one of those who has opposed this Bill most ably and most dangerously upon very important parts of the measure — I mean my hon. and learned Friend the Member for Richmond (Sir Roundell Palmer), who acknowledged in the warmest terms the efforts which the Government had made by Amendments to meet his views. And when my noble Friend tells us that we, by this Bill, have attacked property, I say we are just as well entitled to retort that charge as he is to make it. I have no doubt my noble Friend with perfect sincerity believes that we are attacking property; and we, with just as great sincerity, may reply that the manner in which my noble Friend defends property, and the principles which he asserts and acts on with regard to it, constitute a far more formidable attack upon property than any which is contained in the Bill. At the same time, far be it from me to make any charge upon my noble Friend; on the contrary, I give him every credit for sincerity in the course which he adopts for the championship of property, unfortunate and disastrous as I believe that course to be. With regard to this debate, my hon. Friend the Member for Carlisle (Sir Wilfred Lawson) must have been astonished at the wide field which he has opened. With the exception to which he kindly adverted I plead guilty to the criticisms of my hon. Friend the Member for Waterford (Mr. Osborne), for I acknowledge that, from our desire to meet what we believed to be the wishes of the House, we have fallen into the error of undertaking too much during the present Session. However, the error having been committed, the question is, how we can best make progress with the business; for I may be permitted to observe that the mere expression of a wish that a measure may proceed has no tendency whatever to promote its progress. Now, I see opposite a right hon. Baronet (Sir John Pakington) who, for many years, has laudably distinguished himself by his zeal with regard to the subject of education; and I take this opportunity of noticing that the right hon. Baronet refrained from exercising the privilege which he, beyond almost any man, was entitled to exercise of addressing the House upon the subject of education on the second reading of the Bill, in order that by his silence he might effectually promote the progress of the measure. I wish to make this acknowledgment, not only to him, but to others who pursued a similar course. It is said that we ought to consider the best means of pressing on the business. I see opposite the Member for the University of Cambridge (Mr. Beresford Hope), who has expressed a great, and I have no doubt, a sincere desire for the progress of a measure of education. But, as I have said, the expression of a wish does not tend towards the attainment of the end; it is the course taken by hon. Gentlemen themselves which, after all, aids in pushing forward business. I am sorry to say that I do not think my hon. Friend the Member for Cambridge has been altogether happy in his mode of forwarding the business.

Mr. BERESFORD HOPE: I have held my tongue upon the Land Bill, and I intend to do so.

Mr. GLADSTONE: That is something certainly. But what did my hon. Friend do a short time ago? We made a request for four Morning Sittings, with a view of making progress with the Land Bill, and so of clearing the ground for the Education Bill; and never was I more disappointed than when my hon. Friend rose from his place and took a very prominent part in objecting to give us the time for which we had asked, although I had distinctly explained the object with which the request was made.

Mr. BERESFORD HOPE: I simply made a protest in favour of private Members who had put off their Motions—as I had put off mine, which stood in a very favourable position.

Mr. GLADSTONE: That is no answer, because I had undertaken on the part of the Government that, if we were allowed so to arrange the business, private Members who had Motions in such a position as the hon. Member describes should not suffer. The real truth is this—I frankly admit that blame is assignable to us for having undertaken so much business; at the same time, the House is not altogether without responsibility; for not only were we urged to undertake what we did, but every effort was made by the House to induce us to undertake more. I would impress upon the House that not the Government only, but the House in its collective capacity, by the exhibition of its readiness and eagerness to enter upon those subjects, has given pledges to the country for the transaction of certain business during the present Session; and that in the redemption of those pledges, not only the public interests but our own character and credit are concerned. I may add that I do not agree with the hon. Member for Sheffield (Mr. Mundella) that this will be a barren Session. I admit that we have been disappointed with the progress made by the Irish Land Bill; yet such is the difficulty and novelty of the measure, and such is the sweep of many of its provisions, that much time must necessarily be occupied in discussion. We shall go forth, I hope, with patience, and with a desire to meet, as far as we can, the conflicting views which are entertained. We certainly shall not spare ourselves in the effort to pass the business which is before the House; and although we have now been speaking for a couple of hours without much apparent result, yet I trust that the general consequences of this debate may be to make each of us more disposed to exercise the utmost self-command and self-denial in refraining, as far as possible, from interposing unnecessary delays, thereby enabling us in some degree to fulfil the very important obligations which we have taken upon us with regard to the Public Business.

Sir JOHN PAKINGTON: I so far agree with what has just fallen from the right hon. Gentleman the First Minister, that the House ought not to be drawn into a renewed discussion of the Land Bill. But, on the other hand, I must say that what fell from my noble Friend the Member for Haddingtonshire was most natural; and if he was drawn into a discussion of the Irish Land Bill, the blame must rest upon the hon. Member for Sheffield (Mr. Mundella), who caused this temporary resumption of the debate by his unprovoked and unjust attack. And I cannot refrain from referring for a moment to what was said by the hon. Member for Sheffield. I agree with the hon. Gentleman that the position of Public Business, at this moment, is different from anything that, in the course of a somewhat long experience, I can recollect on the eve of the holidays. The Coercion Bill was evidently not contemplated by the Government at the beginning of the Session; that was an interlude forced upon us by the state of circumstances at the moment. But, putting aside that interlude, what is our position on the eve of the Easter holidays? The Budget has been brought forward, it is true, but we have scarcely made any progress with the Estimates; and all we have done has been to pass a clause and a-half of the most prominent Bill of the Session. And here I must deny emphatically that the party on this side of the House, with which I have long had the honour of acting—and in that respect I stand in a somewhat different position from my noble Friend—are to blame for the present situation. It has been the sincere desire of Gentlemen on this side of the House to act with perfect fairness, and with perfect freedom from anything like party bias, in reference to the Irish Land Bill, and I deny altogether that what occurred on Friday opens us to the charge of acting in a different spirit, or subjects us to the imputation cast by the hon. Member for Sheffield. The right hon. Gentleman the Member for Newcastle himself distinctly stated that it would not be in the power of the House, in the brief space of time remaining upon that day, adequately to consider the important question which he was bringing forward. The fact is that the Bill is, in many respects, a most complicated, a most difficult, and, in many respects, in my opinion, a most objectionable measure. That its provisions are complicated and full of novelty, the right hon. Gentleman himself (Mr. Gladstone) has just admitted; and it is impossible to deal with such a measure without full and careful discussion. The delay, therefore, is a delay for which neither side of the House is responsible, but which is attributable to the character of the measure itself. I trust, Sir, that everything like vexatious delay will be avoided, and that when the House re-assembles after the holidays, the Bill will make as rapid progress as is consistent with its difficulties and with the attention which it, no doubt, requires from both sides of the House, and from men of all shades of opinion. My principal object, however, in rising is to express an earnest and anxious hope that nothing will be allowed to prevent the progress of the Education Bill. I must say that I consider we have received a distinct pledge from the Prime Minister, and something like a repetition of that pledge to-day by the right hon. Gentleman the Secretary of State, that the Bill second in importance, second in time, and second in the consideration of the Government, shall be the Education Bill. I think, therefore, that the Government are bound not to allow any other subject but the Irish Land Bill to interfere with the progress of the Education Bill, and I believe the whole country—I, at all events, shall, for one, regard it as a great and serious misfortune if that Bill is not passed during the present Session.

Mr. P. A. TAYLOR asked what the country would think of the discussion that had taken place that day? Parliament, after six months' leisure, met only two months ago, and now it was about to waste a fortnight in a holiday, with a full knowledge that in three months' time—two holidays having intervened—however important the business might be which stood in the way, the Prorogation of Parliament would take place. What would the people of the country think of that? Why could not Parliament sit through Easter, or sit through August and September—unless, indeed, the House would not endure it? The other day he was refused permission to bring in a Bill which would have had the effect of making this a working assembly, and certainly some radical change was wanted.

Mr. NEVILLE - GRENVILLE believed that, after the House had been sitting till three and four o'clock morning after morning, the relaxation of hon. Members would not be begrudged by their constituencies, who would probably be pleased to welcome their representatives among them during the holidays. If Members were paid for their services he could understand hon. Members being anxious to continue their sittings for fear of losing their remuneration by their absence.

Motion *agreed to.*

House at rising to adjourn till *Monday* 25th April.

NOTICES OF MOTIONS.

Ordered, That the Report of the Resolutions of the Committee of Ways and Means do take precedence of the Notices of Motions.—(*Mr. Gladstone.*)

WAYS AND MEANS—REPORT.

Resolutions [April 11] *reported.*

Sir JAMES LAWRENCE complained of the manner in which the house duty was levied in the City of London, and instanced the cases of solicitors, merchants occupying offices in the same block of buildings, accountants, dentists, and coffee-house keepers. He thought if they did not get rid of the duty altogether, the Chancellor of the Exchequer should see to it that the mode of levying it was fair, equal, and just.

Mr. MACFIE wished to express the satisfaction which the sugar trade felt at the change which had been introduced, and to the general fairness of the drawbacks allowed; but begged to call the attention of the right hon. Gentleman to the drawback to be given on sugars lodged in warehouses and delivered for ships' stores; and to urge that something should be done to prevent foreign refiners from having a decided advantage over refiners at home.

The CHANCELLOR of the EXCHEQUER said, he could not consent to make any alteration in the Resolutions; but if any reason could be shown for modifying the practice he had no doubt there would be power in the Department to do so.

Mr. MORLEY hoped the Chancellor of the Exchequer would do, in the case of sugar, what was done in the case of paper, and let an allowance be made on stocks proved to be in possession.

Mr. GRIEVE, on behalf of the sugar refiners of the Clyde, joined the hon. Member for Bristol in asking the Chancellor of the Exchequer seriously to consider the propriety of granting an allowance to refiners who hold stocks of refined goods, the produce of raw sugar which had paid the old duty. He was aware that refiners, dreading their position, had actually sent as much as 2,000 tons to the Continent, to be bonded and brought back at very considerable expense, and to be entered at the new duty; but there was still a considerable quantity in stock, and it was fair they should get a drawback. Had the right hon. Gentleman only listened to representations which he and others had made to him, the trade would have gone on smoothly, and he would have had from £200,000 to £300,000 more money in the Exchequer—as the right hon. Gentleman had to acknowledge when moving his Resolutions last evening. He trusted the right hon. Gentleman would consider the matter favourably, and, if he did not see his way to alter the Resolutions, he would, through the Department, give some relief.

The CHANCELLOR of the EXCHEQUER said, he was sorry he could not make any change in his proposal; but if any application were made to the Government it would be carefully considered. The Committee might reasonably suppose that he did not himself pretend to have the technical knowledge requisite to understand that matter—it would take several years of a man's life to enable him to do so—but he acted on the responsibility of the competent officers of the Department. It would, he thought, amount to an absolute rescinding of their policy if they were to admit all sugar at once at the lower duties, and pay a drawback on stocks.

Mr. Alderman LUSK said, he could not see how the right hon. Gentleman could safely grant drawbacks in that case.

Resolutions 1 to 6 *agreed to.*

Resolution 7.

Mr. OSBORNE said, that in the very lucid and very admirable speech made by the right hon. Gentleman on the previous night, the only thing to which he could possibly take exception was the proposal in regard to firearms. The right hon. Gentleman had proved himself to be not so well acquainted with the history of gunnery, and particularly with revolvers, as with that of sugar and similar commodities. He (Mr. Osborne) looked on that proposed change as very mischievous. In doing away with the game licence—which was altered last year, so that a man could take out a licence for a month—and in putting a tax of £1 on every gun, the right hon. Gentleman was adopting an ill-advised course; and, moreover, he had made a very great mistake about the practice of carrying firearms, which did not exist in this country. Indeed the right hon. Gentleman was obliged to go to an unfortunate instance which lately occurred in a foreign country, to prove that the practice existed abroad. A tax of £1 on every gun would be a manifest injustice. [An hon. Member: A man will only have to pay it once, and may have as many guns as he likes.] Then the injustice would be still worse. What could be more unjust than that the gentleman who went out to a battue with three or four guns should pay only £1, while the poor urchin who fired a gun to frighten away crows paid the same? [An hon. Member: If it be loaded.] But to frighten the crows the gun must be loaded. Was he to understand that if the gun was not loaded with shot the urchin was not to pay? The right hon. Gentleman intended to put the urchin who frightened crows away from a field on the same level with the great proprietor who went out with three or four guns to shoot pheasants in his covers. He would suggest that the right hon. Gentleman should put a tax of 10*s.* or 15*s.* on each barrel; by which a great deal more money would be obtained for the Exchequer, and let the urchin employed in frightening away crows be exempt. Within the last few weeks he had seen a man who was going to take out a patent for a most excellent fowling-piece with three barrels. Instead of laying a tax of £1 on every gun, why not tax every revolver and every fowling-piece according to the number of its barrels? He wished the right hon. Gentleman had spoken of Ireland, because there revolvers were used to a far greater extent than in England. But the right hon. Gentleman wished to make the schoolboy who came home for the holidays and shot a few sparrows liable to the same duty as the great proprietor who shot game with several guns. It was to be hoped the right hon. Gentleman would not press his proposal in its present shape.

Mr. PEASE said, that many more persons went about in the possession of arms than was commonly believed, and he thought the proposal of the Chancellor of the Exchequer very beneficial. The dangerous practice of carrying revolvers prevailed in parts of the North of England among a certain class of persons, especially Irishmen who returned from America, and excited terror in particular neighbourhoods by their violent habits. That state of things had demanded the attention of the Home Secretary as well as of the Chancellor of the Exchequer. How the duty should be levied was quite a different question; but he certainly wished to support the imposition of some tax on that most dangerous species of weapon.

Sir EDWARD COLEBROOKE suggested whether there ought not to be some discrimination used in placing a tax on different weapons of that nature. He thought the appeal made on the previous night by the hon. Member for Norfolk (Mr. Read) was well founded. Those weapons were used frequently by poor people employed by farmers, and a tax of that kind would prevent the farmers from availing themselves of the services of such persons. Some discrimination should be exercised with regard to taxing different species of firearms. For instance, a moderate tax of 5*s.* or 10*s.* might be put on sporting arms, and a heavy one upon revolvers and similar weapons. He hoped, however, that the right hon. Gentleman would keep up the tax for game licences.

MR. NEVILLE-GRENVILLE said, he thought that the country would look with suspicion upon a change by which a sportsman who kept half-a-dozen keepers was relieved from taxation to the extent of £8 or £10, while a new tax was thrown upon a different section of the public.

LORD ELCHO also thought that it was only reasonable that, the general licence duty being repealed, a sportsman should have to pay in addition a tax upon each arm in his possession. He was glad that a tax would be put upon revolvers, because the gentlemen who broke into houses at night now carried those weapons instead of life-preservers.

MR. C. S. READ agreed with the suggestion of the hon. Member for Durham that the tax should only be imposed upon guns loaded with shot or bullets.

THE CHANCELLOR OF THE EXCHEQUER reminded hon. Members that the Resolution merely affirmed the general principle that a licence should be required to carry arms, and that it did not contain the provisoes that would appear in the Bill which would be brought in with the view of carrying the Resolution into effect. The suggestions of hon. Members would, however, receive every attention on the part of the Government. There were, however, one or two points upon which he felt it necessary to afford the House some explanation. In the first place, under the terms of the Resolution, it was proposed to impose a tax on persons carrying firearms, and not on those who merely had them in their possession; because if the latter principle were adopted it would have to be carried into effect by domiciliary visits of Excise officers, which was not a system that would meet with the approval of the general public. Were the tax to be placed upon the possession of arms, gentlemen might have to pay for ancient guns that had not been discharged since the Civil Wars of the 17th century. The questions whether the tax should be imposed at the same rate with reference to all firearms alike, or whether any distinction should be made between the different descriptions, and whether any and what trades should be exempted from the operation of the tax, could be better raised and discussed when the Bill embodying the Resolutions was brought before the House. The hon. Member for Waterford (Mr. Osborne) had offered certain suggestions upon the subject, and, considering the place he represented, he, doubtless, was in a position to speak with some experience upon the question. The hon. Member had made a pathetic appeal to him, and had asked him how he could put the farmer's boy, who fired off a gun to frighten away the crows, upon the same level with the sportsman attending a battue with his breech-loaders. Were the hon. Member to be shot at by a boy who had put something into his gun, he would soon find himself upon the same level as though he had been shot at by the most aristocratic sportsman, with a breech-loader of the most improved construction. It was unnecessary for him to discuss these matters at the present time, but he hoped to be able to introduce the Bill in such a shape as to insure the passing of its main provisions. Although he had observed last evening that the House had not received his statement respecting the increasing practice of carrying revolvers with any great favour, yet he must remark that the statements that had fallen from hon. Members that day had shown that what he had asserted last night upon that point was not entirely without foundation.

MR. R. SHAW remarked that no one had asked the Chancellor of the Exchequer to abandon the licence to shoot game, and as it produced £150,000 a year, and was paid without complaint, he hoped it would be retained. If the licence was abandoned, it would be virtually making a present of £150,000 to a wealthy portion of the community, and he suggested that the Chancellor of the Exchequer should retain this tax, in addition to the licence to carry arms.

LORD CLAUD JOHN HAMILTON wished to know how the right hon. Gentleman intended to ascertain whether a man had got a revolver in his pocket. He thought some distinction in respect of taxation should be made between weapons of that character and guns used merely for sporting purposes.

Mr. P. A. TAYLOR was of opinion that the tax on carrying revolvers was objectionable inasmuch as it could be easily evaded.

Mr. JAMES HOWARD thought that the love of sport in England would survive the repeal of the game laws; but he had never heard any sportsman object to pay the charge for game certificates; and it was singular that the right hon. Gentleman should be bent upon making them a present which they had never asked for. He agreed with the hon. Member for South Norfolk that guns used for field-keeping purposes should be exempted from this tax.

Sir FREDERICK W. HEYGATE remarked that, if this tax were to be put upon guns, it would be as well that it should be made to apply to Ireland, because, although there was not much game in the country, a good deal of shooting occurred there. It would be a most invidious thing were the game licences to be abolished.

Mr. CANDLISH also urged that this tax should be retained, and its proceeds made use of towards the reduction of the National Debt.

Sir THOMAS BAZLEY said, that while he warmly approved of the excellent Budget of the right hon. Gentleman as a whole, he regretted that he had thought it necessary to impose a new tax in respect of the gross receipts for railways. He doubted whether railway passengers would benefit by the remission of the tax upon fares, and he feared that the railway companies would seek to protect themselves by increasing the rates upon goods, and thus the new source of revenue would actually be the raw material of manufacturers. This would operate very injuriously upon trade, and would cause great dissatisfaction in the industrial districts of the country. As it was not improbable that, after the discussion which had just taken place, the game licences would be continued, he hoped the right hon. Gentleman would, on consideration, find that he could dispense with the proposed new source of income, especially as there was every prospect of his having an abundant surplus at the end of the year.

Subsequent Resolutions read a second time, and *agreed to*.

Bills *ordered* to be brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.

PATENTS FOR INVENTIONS.

MOTION FOR COMMITTEE.

Mr. MACFIE rose to move the appointment of a Select Committee to consider and report upon the Law relating to Letters Patent for Inventions, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after
Five o'clock till Monday
25th April.

HOUSE OF COMMONS,

Monday, 25th April, 1870.

MINUTES.]—Ways and Means—*considered in Committee.*

Public Bills — *Resolution in Committee*—Religious Tests *.

Ordered — First Reading — Religious Tests [105]; Entail (Scotland)* [108]; Criminal Courts Procedure (Scotland)* [107]; Army Enlistment* [106].

Second Reading— Poor Relief (Metropolis) [36]; Bridgwater and Beverley Disfranchisement [98]; Norwich Voters Disfranchisement [99]; Wine and Beerhouse Act (1869) Amendment [97].

Committee—Report—Naturalization [86]; Mines Regulation and Inspection * [12-104].

Report—Felony * [9-103].

Third Reading—War Office [30], and *passed.*

CONTROVERTED ELECTIONS.

MALLOW BOROUGH.

Mr. Speaker informed the House, that he had received from the Right honourable Mr. Justice Morris, one of the Judges selected, pursuant to the Parliamentary Elections Act, 1868, for the trial of Election Petitions, a Certificate and Report relating to the Election for the Borough of Mallow. And the same were read, as follow:—

Mallow Election.—In the matter of an Election Petition for the Borough of Mallow, between Major L. E. Knox, Petitioner; and Henry Munster, Esq., Respondent. I, Michael Morris, one of the Justices of the Court of Common Pleas in Ireland, and one of the Judges for the time being for the trial of Election Petitions in Ireland, having heard and determined the said Petition, do certify and report such determination as follows:—That Henry Munster, Esq., was not duly elected to serve in Parliament for the said Borough of Mallow. That said Henry

Munster was, by his agent Captain Spencer Stewart, guilty of corrupt treating at said Election. That it has not been proved that such corrupt treating was committed by or with the knowledge or consent of said Henry Munster. That Major L. E. Knox was not duly elected, inasmuch as said L. E. Knox was not proved to have had a majority of legal votes. That said Major L. E. Knox was not by himself or his agents guilty of any corrupt practices at said Election. That said last Election for the Borough of Mallow was a void Election. That four Electors of said Borough, viz. James Tuckey, Daniel Curran, Owen McCarthy, and Daniel Sheehan, were, shortly before and at the time of said Election, urgently soliciting money in consideration of their giving their votes; but it was not proved that they had received any. That I have not any reason to believe that corrupt practices have extensively prevailed at the last Election for the said Borough of Mallow.

Given under my hand, this 21st day of April 1870.

Michael Morris.

To the Rt. hon.
The Speaker of the House of Commons.

And the said Certificate and Report were ordered to be entered in the Journals of this House.

EPPING FOREST.—QUESTION.

Mr. BERESFORD HOPE said, he would beg to ask the First Lord of the Treasury, Whether he can inform the House of the measures which he proposes to adopt to secure the continued enjoyment of Epping Forest to the public?

Mr. GLADSTONE said, in reply, that the pledge given by the Government a short time ago had not been neglected. Measures were in progress, and there was every reason to hope that they would lead to a satisfactory settlement; but the communications had not yet reached the stage at which it would be desirable to make them public.

FRANCE—COMMERCIAL TREATY.

QUESTION.

Mr. VANCE said, he wished to ask the Secretary to the Board of Trade, If our Ambassador at Paris has suggested that two English Merchants or Manufacturers should be examined before the French Commission of Inquiry respecting the Commercial Treaty now in force between England and France; and, if so, upon what principle those witnesses are to be selected?

Mr. OTWAY replied that a suggestion was made by the British Ambassador at Paris that two English merchants or manufacturers should be examined before the French Commission of Inquiry respecting the Commercial Treaty between England and France. The Board of Trade had, in consequence, communicated with the Manchester Chamber of Commerce, because the inquiry now going on at Paris related entirely to the cotton manufacture. There was no special principle on which these witnesses were to be selected, beyond that of the possession of the necessary information on the subject.

ARMY—THE 18TH REGIMENT.

QUESTION.

Mr. R. TORRENS said, he wished to ask the Under Secretary of State for the Colonies, Whether it is true that the 18th Regiment have been withdrawn from New Zealand and distributed throughout the Australian Colonies, and whether the expense will be defrayed in full, or in part, by the Colonial Governments?

Mr. MONSELL, in reply, said, the 18th Regiment would remain in Australia for a few weeks, and would probably be removed in the month of August. He could not state in what way the expense for that short period would be defrayed.

CONVENTUAL AND MONASTIC INSTITUTIONS.—EXPLANATION.

Mr. NEWDEGATE rose to call attention to a matter personal to himself, and likewise touching the privileges of the House. During the Recess a great number of comments upon his conduct, and upon the observations he made in moving for the Select Committee of Inquiry respecting Monastic and Conventual Institutions had appeared in letters and articles, and it was surprising that writers in newspapers should venture to assail a Member of the House in a manner of which he should now proceed to give one instance. On Saturday last *The Tablet* contained the following statement:—

> "We hear that in the clubs people are beginning to ask how it is that Mr. Newdegate can suffer 'the lie to be given' him, as he has by Sir Charles Clifford, Father Gordon, Mr. Langdale, and others, and not come forward like a man and attempt to substantiate his charges or to retract them."

The House would observe that this was not only a libel itself, it was a compendium of libels, and that, therefore, it constituted a gross breach of the privileges of that House. He now begged to state that nothing should induce him to take any action out of the House, either in Courts of Law or elsewhere, in reference to statements based on observations of his own made in that House, and bearing on a matter which the House had appointed a Select Committee to consider. He felt it due to himself to state that, in deference to the privileges of the House, he would be tempted by no insult to submit this matter either directly or indirectly to the Courts of Law, or to any other tribunal than that the appointment of which the House had been pleased to order. He was convinced that these imputations were deliberately made. He made this statement, because in 1865, after he had proposed the appointment of a Committee of a somewhat similar character, which was not agreed to by the House, he was pursued by the same person in the most insulting manner, with a view, he was convinced, to deter him from the performance of his duty in that House, by endeavouring to force him to seek some other tribunal not appointed by the House for the solution of questions as to his veracity raised by similar imputations, and thereby to induce him to waive his privilege as a Member of the House. This deterring system was not only attempted against himself, but also, he understood, against witnesses, whose testimony might be needed for the inquiry, and this seemed to him to constitute a direct and deliberate breach of the privileges of the House. He was prepared to uphold the truth of the statements which he had made in the House; but when speaking on the 29th of March he committed one error which he now desired to correct. He stated, on moving for the Select Committee, that the daughter of a respectable person in this town was persuaded to enter a convent at Hammersmith before she was 16 years old. That was an error, for the convent referred to was at Finchley. He would not now go into the reasons which led to this confusion; but he hoped the House would excuse his explaining that it was in deference to the decision of the House to appoint a Select Committee, before which the truth of his statements might be tested, and in deference to the privileges of the House, that he refrained from taking any further steps in reference to the gross libel to which he had called attention.

THE MURDERS IN GREECE.

QUESTION.

Mr. MONK said, seeing the Under Secretary of State for Foreign Affairs in his place, he wished to know, Whether he could give the House any information connected with that most disastrous intelligence which has, within the last day or two, been received from Greece?

Mr. OTWAY: It is, Sir, with very deep regret that I have to state to the House that information has been received that the English captives who were in the hands of brigands in Greece have been put to death by them—that is, the captives who remained after Lord Muncaster, who had been one of them, had been despatched to make terms for their release, and whose departure had been preceded by Lady Muncaster, Mrs. Lloyd, and her daughter. No effort had been wanting on the part of Her Majesty's Minister at Athens to endeavour to avert the sad fate that has befallen the captives. There has been no difficulty with regard to the payment of the sum demanded by the brigands as ransom for the persons in their power; nor had efforts been wanting on the part of Her Majesty's Minister to induce the Greek Government to grant an amnesty, which the brigands demanded as a condition of the release of the captives. Unfortunately, that concession was not made, and it appears that the brigands, being attacked by the Greek troops, did proceed to carry into effect the menace they had previously used, and put the captives in their possession to death. The intelligence was received at the Foreign Office on the afternoon of Saturday that Mr. Herbert and the Secretary of the Italian Legation had been put to death by the brigands, apparently under the pressure of an attack by the Greek troops; but Mr. Vyner had been carried off by the brigands, and nothing was known of Mr. Lloyd. That telegram was despatched from Athens at 2 a.m. on the day before that on which it was received at the Foreign Office. A later telegram, despatched from Athens at 1 p.m. on the day following—the 23rd, reached the Foreign Office on the same day, at 8 p.m., by which we learnt the further sad intelligence that Mr. Vyner and Mr. Lloyd had shared the fate of their companions, and that the former had been killed near Thebes. We are waiting with great anxiety the details of this massacre; but we do not expect to receive them before Friday week. In the meantime, the Secretary of State has empowered me to lay on the Table of the House all communications that have passed between him and Her Majesty's representative at Athens relating to the subject, both by despatch and by telegram. I have laid them on the Table this afternoon, and they will be distributed to Members as soon as possible.

Mr. HODGSON: Have you any information respecting Lord Muncaster?

Mr. OTWAY said, there was every reason to believe that Lord Muncaster was in safety. The names of the victims had been telegraphed, and Lord Muncaster's name was not among them. There was, therefore, every reason to believe he was safe.

WAYS AND MEANS.

Considered in Committee.

(In the Committee.)

1. *Resolved,* That, on and after the 1st day of October next, the Impressed Stamp on Newspapers and other Periodical Publications shall be abolished.

2. *Resolved,* That Newspapers to be circulated by Post within the United Kingdom shall be subject to a Postage of One Halfpenny each for each transmission, the Postage to be prepaid by Postage Stamps.

3. *Resolved,* That the Postage on Inland Book Packets and on Inland Sample Packets shall be at the rate of One Halfpenny for every weight of Two Ounces.

4. *Resolved,* That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon the several matters and things hereinafter mentioned the following Stamp Duties (that is to say):

1. Where the consideration, or any part of the consideration, for a Conveyance on Sale consists of money payable periodically in perpetuity, or for any indefinite period not terminable with life, such Conveyance shall be charged in respect of such consideration with ad valorem Duty on the total amount which will or may, according to the terms of Sale, be payable during the period of twenty years next after the day of the date of such Instrument;

2. Where the consideration, or any part of the consideration, for a Conveyance on Sale consists of money payable periodically during any life or lives, such Conveyance shall be charged in respect of such consideration with ad valorem Duty on the amount which will or may, according to the terms of Sale, be payable during the period of twelve years next after the day of the date of such Instrument;

3. An Agreement for a Lease or Tack, or with respect to the letting of any lands, tenements, or heritable subjects for any term not exceeding thirty-five years, shall be charged with the same Duty as if it were an actual Lease or Tack made for the term and consideration mentioned in the Agreement;

4. Any Coupon or Warrant for Interest attached to and issued with any security entitling the holder thereof to receive any sum of Money amounting to £2 or upwards, shall be charged with the Duty of One Penny as a Receipt;

5. Where any Money, Stock, or Security is agreed or directed to be paid or raised or transferred for the purposes of any settlement, the Instrument containing such agreement or direction shall be charged with ad valorem Duty in respect of such Money, Stock, or Security, whether it is to be paid or raised or transferred in any event, or only in an event which may or may not happen;

When Money subject to the trusts of any Will or Settlement has been invested in the purchase of Real Estate, and such Real Estate is, under the trusts of such Will or Settlement, to be resold and in the meantime regarded as Money, any Instrument, whereby such Real Estate is settled or agreed to be settled, but which does not operate as an absolute election to take the same as Real Estate, shall be deemed a settlement of the Money so invested;

6. The Stamp Duty on the appointment or admission to Ecclesiastical Benefices in Scotland shall be charged as an appointment or admission to Ecclesiastical Benefices in England;

7. That the Stamp Duty on the admission, appointment, or grant to or of any Office or Employment where the annual salary, fees, or emoluments appertaining to such office or employment exceed £300 shall be for every £100, and also for any fractional part of £100 . . . . . . £ 5 *s.* 0 *d.* 0

8. That the Stamp Duty on the appointment of a New Trustee by any writing not being a Will or Deed shall be 0 10 0

9. That the Stamp Duty on an Appraisement or Valuation, Award, or Decreet Arbitral, where the amount thereof exceeds £10 shall be for every £10, and also for any fractional part of £10 of such amount 0 0 6

10. That the Stamp Duty on an Instrument of Apprenticeship where there is a premium or consideration shall be for every £5, and also for any fractional part of £5, of the amount or value of the premium or consideration . . 0 5 0

11. That the Stamp Duty on a Bond, Covenant, or Instrument of any kind whatsoever;

(1.) Being the only or principal or primary security for any annuity (except upon the original creation thereof by way of sale or security), or of any sum or sums of money at stated periods, not being interest for any principal sum secured by a duly stamped Instrument, nor rent reserved by a Lease or Tack:

For the term of Life or any other indefinite period shall be,

For every £5, and also for any fractional part of £5, of the annuity or sum periodically payable 0 2 6

(2.) Being a collateral or auxiliary or additional or substituted security for any of the above-mentioned purposes where the principal or primary Instrument is duly stamped;

For every £5, and also for any fractional part of £5, of the annuity or sum periodically payable 0 0 6

12. That any Note, Memorandum, or writing for or relating to the sale or purchase of any Stock or marketable security of the value of £5 or upwards shall be chargeable with the Stamp Duty of One Penny as a Contract Note:

13. That a Lease or Tack for a definite term not exceeding 35 years, or for an indefinite term granted in consideration of a sum of money by way of Fine, Premium, or Grassum paid for the same, and of a yearly rent under £20, shall be charged with Stamp Duty in respect of the yearly rent, as well as in respect of the Fine, Premium, or Grassum:—

	£	s.	d.
Not exceeding £5 per annum .	0	0	6
Exceeding £5 and not exceeding £10	0	1	0
„ £10 „ £15	0	1	6
„ £15 „ £20	0	2	0
„ £20 „ £25	0	2	6
„ £25 „ £50	0	5	0
„ £50 „ £75	0	7	6
„ £75 „ £100	0	10	0
„ £100			
For every full sum of £50, and also for any fractional part of £50 thereof	0	5	0

14. That the Stamp Duty on a Mortgage, Bond, Debenture, Covenant, Warrant of Attorney to confess and enter up Judgment, and on a Foreign Security of any kind, being a collateral, or auxiliary, or additional, or substituted Security, or by way of further assurance for the above-mentioned purpose where the principal or primary Security is duly stamped, shall be—

For every £100, and also for any fractional part of £100, of the amount secured . 0 0 6

15. That the Stamp Duty upon a Re-conveyance, Release, Discharge, Surrender, Re-surrender, Warrant to Vacate, or Renunciation of any Mortgage, Bond, Debenture, Covenant, Warrant of Attorney, to confess and enter up Judgment and Foreign Security of any kind, or of the benefit thereof, or of the money secured thereby, shall be—

For every £100, and also for any fractional part of £100, of the total amount or value of the money at any time secured 0 0 6

16. That the Stamp Duty on any Notarial Instrument to be expeded and recorded in any Register of Sasines shall be . . . 0 5 0

17. That it is expedient to repeal the seventy-seventh section of the Act of the tenth year of King George the Fourth, chapter fifty, and to charge Instruments relating to Property under the management of the Commissioners of Her Majesty's Woods, Forests and Land Revenues with the same Duty as an Instrument of the same kind relating to the Property belonging to a Subject.

Mr. KINNAIRD said, that great apprehension had been created in the City by a rumour that it was intended to enact that a penny stamp should be placed on every coupon, although it might be of almost infinitesimal value. He wished to know whether the rumour was correct.

The CHANCELLOR of the EXCHEQUER said, he would give the explanation sought for when the Bill was brought in.

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again upon *Wednesday.*

NATURALIZATION BILL (*Lords*)—[Bill 86.]

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Capacity of an alien as to property).

Mr. M'MAHON said, he objected to provisoes (1) and (2) as unnecessary. The object of the clause being merely to enable aliens to take and inherit real as well as personal estate, it could not be necessary to further enact that the possession of such property should not qualify an alien for any office, or for any municipal, Parliamentary, or other franchise, and that it should not entitle an alien to any right or privilege as a British subject, except those expressly conferred by the clause in respect of property. As it was undesirable to overload the Act with more matter than was necessary for its proper construction, he would move to leave out 1st and 2nd provisoes.

The SOLICITOR GENERAL said, that the object of these provisoes was to preserve the distinction between the rights which an alien would acquire under the clause, and those further rights which he would acquire by naturalization. If these provisoes were not inserted, the very fact of empowering aliens to hold real property might be taken as a qualification for municipal and other offices and franchises, and then there would be no need of a "Naturalization Bill."

Amendment, by leave, *withdrawn.*

Mr. CHARLEY said, he believed that it was scarcely understood how great a revolution this Bill was about to make in the present state of the law. Under its provisions an alien would be able to acquire real property on the same footing as a British subject; and, as this change was not recommended by the Commission by whom the subject had been considered, he had the less hesitation in giving notice that he would raise the question on the bringing up of the Report.

Sir FRANCIS GOLDSMID said, he thought the word "affect" in the 3rd proviso was somewhat ambiguous in its meaning, and he would therefore beg to move that the word "prejudicially" should be inserted before "affect" in line 25.

The SOLICITOR GENERAL explained that it was intended by this expression that the section should not take away any existing right or create new ones.

Amendment, by leave, *withdrawn.*

Sir CHARLES W. DILKE said, he proposed to omit the 4th proviso, which gave power to Her Majesty in Council to suspend the operation of the Act as to the enjoyment of property held by aliens, subjects of any State at war with Her Majesty, during the continuance of such hostilities. That proviso was not in the draft of the Bill as originally prepared, and it was inserted chiefly because it was supposed that, in time of war, enemies might get possession of portions of our coast and occasion serious inconvenience and danger by affording facilities for the landing of hostile forces. But under the present state of the law aliens could practically hold property for all hostile purposes by means of leases, and therefore the proviso would not have the intended effect. He therefore moved, in page 2, line 1, leave out 4th proviso.

The SOLICITOR GENERAL said, it was quite true that the proviso did not appear in the original draft. He would agree to omit the proviso; for, if by any chance or accident, the enjoyment of property by an alien during a time of war should be prejudicial to the country, Parliament had always the power to intervene with a special Act.

Amendment *agreed to.*

Sir ROUNDELL PALMER said, he would observe, in reply to the hon. Member for Salford (Mr. Charley), that the Commissioners considered the question whether there was any public advantage to be gained by limiting the power of aliens to hold real estate in this country, and they satisfied themselves that there was not. The Bill proposed to afford facilities for expatriation and denaturalization which had not previously existed; but, hitherto, the children and heirs of persons emigrating, though by this Bill they would be aliens, had had a right to succeed to real property left by their relatives in this country; and it would be inflicting great hardship upon British subjects emigrating and becoming naturalized in the countries they adopted, if this right, which had never yet been attended with inconvenience, were now withheld. As far as he knew, real estate might be held by Englishmen in almost every other country in Europe, and also in the United States of America; and, profiting by the experience of other nations, he thought we might adopt a provision the withholding of which might cause serious injury to those who, but for this Act, would still have been our own subjects.

Clause *agreed to.*

Clause 3 *agreed to.*

Clause 4 (How British-born subject may cease to be such).

Amendment proposed—Clause 4, page 2, line 32, leave out "and registration."—(*Mr. Solicitor General.*)

Amendment *agreed to.*

THE SOLICITOR GENERAL said, he proposed, in Clause 4, line 34, to add, as a separate paragraph—

> "Any person who is born out of Her Majesty's Dominions of a father, being a British subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject."

The 4th clause was not originally contained in the Bill, but was inserted by Lord Westbury in the House of Lords, and the addition to the clause which was now proposed was necessary to give full effect to its intention.

MR. HENLEY said, he thought that it would be unfair to impose upon a single magistrate a duty which involved the understanding and the taking care of documents which he might, perhaps, have a difficulty in understanding. This declaration ought to be made in a petty sessions or a court of record.

THE SOLICITOR GENERAL said, he would remind the right hon. Gentleman that these declarations would frequently have to be made abroad, where there was no person to receive them but the Consul. Single magistrates were already competent to receive very important declarations. The form and manner in which these declarations were to be made were to be prescribed by the Secretary of State, and it would be his duty to insert whatever safeguards might be deemed necessary.

MR. HENLEY said, he still objected to a single magistrate having thrown upon him a duty which might be so difficult to perform satisfactorily, and which might yet involve so many and such important interests.

THE ATTORNEY GENERAL said, that the right hon. Gentleman's objections would be serious if the duties intrusted to the magistrate were judicial, instead of ministerial. The declaration would only be a ministerial act, and he could not help thinking that a justice here was as good as a member of the Diplomatic or Consular Service abroad.

MR. G. B. GREGORY said, as they were enabling a British subject to alter his status by a mere declaration, that declaration ought to be filed in some court or office, so that a record of it might be preserved.

MR. HENLEY said, that people who came now to make declarations before magistrates carried off the paper, because it was their own concern. But where a person changed his whole status there ought to be a record of the act somewhere, and it was not fair to throw on the magistrate the responsibility of seeing that that was done in his own house.

SIR ROUNDELL PALMER said, that by the 11th clause, which contemplated that the form and registration of certificates would be provided for, the Secretary of State was to make regulations which would have the force of law; and the question was, whether it was better to trust the Government to do that, or to maket he rules themselves, and embody them in the Act. He confessed he had no doubt that reasonable regulations would be made by the Secretary of State, should the 11th clause pass.

SIR FRANCIS GOLDSMID said, that this addition, taken alone, was open to the objection of leaving the law in an anomalous state. As the law now stood, the child born abroad of an English father was an English subject, and the converse ought to be that the child born here of a foreign father was a foreigner. But that was not so. The proposed addition recognized one part of this rule; but it was not thought expedient to alter the law so as to recognize the other. That, in his opinion, was an unfortunate result.

Words *added.*

Clause, as amended, *agreed to.*

Clause 5 (Aliens not entitled to jury de medietate linguæ).

MR. M'MAHON said, that there was no necessity for the clause, inasmuch as it was no part of the common law that an alien should have the privilege of being tried by a jury *de medietate linguæ.* That privilege, which was limited to cases of felony and misdemeanour, was conferred by a statute of Edward III., altered by an Act of William and Mary, and subsequently by an Act of George IV.

THE SOLICITOR GENERAL said, that the clause said nothing about the common law. It only said that where an alien was entitled to be tried *de medietate,* he should, after the passing of the Act, no longer be entitled to be tried by such a jury; but should be triable in the same manner as a natural-born subject.

Clause *agreed to.*

Clause 6 *agreed to.*

Clause 7 (Certificate of naturalization).

MR. EASTWICK moved the addition of words, to the effect that all persons already naturalized, who made a declaration and continued to reside in the United Kingdom, should obtain all the privileges conferred by the Bill. The reason why he offered this Amendment was that persons who had gone through the trouble of getting naturalized would, when the Bill passed, be in not a whit better position than others who had not been naturalized. He thought that those who had been naturalized should obtain the privileges of the Act as easily as possible.

THE SOLICITOR GENERAL said, it was now proposed to give to naturalized aliens a great deal that they never had before, for it really incorporated them into the British body politic; and, therefore, there was no particular reason why they should not take a little more trouble in order to get more substantial advantages. One of the conditions on which aliens would obtain these advantages was residence for a certain time. The time in the Bill was three years; he should propose to alter it to five.

MR. EASTWICK said, he did not propose that a person who had been naturalized only that morning should obtain the benefits of the Bill. He spoke of persons who had resided in this country continuously for a long time; and it was very hard that they should be placed under the disadvantage of having to take all that trouble over again.

THE SOLICITOR GENERAL said, that section itself enabled the Secretary of State, under certain circumstances, if he thought fit, to naturalize a person at once.

SIR ROUNDELL PALMER said, it was now proposed by that Bill to give to naturalization political effects which it never had before, except by Act of Parliament. Under those circumstances, he did not see why persons who had obtained a common naturalization should not be subject to the same provisions as aliens would hereafter be on seeking to be incorporated in the body politic of this country.

MR. EASTWICK said, he would not press his Amendment.

Clause amended, and *agreed to.*

Clauses 8 and 9 *agreed to.*

Clause 10 (National status of married women and infant children).

MR. ALDERMAN W. LAWRENCE said, the clause proposed that a married woman was to be deemed the subject of the State of which her husband was for the time being a subject. The clause did not seem to be sufficiently guarded. A woman might have married a British subject, and might never have intended that by any force of law she should become a foreign subject; yet, by a former clause in the Bill combined with the present one, if the husband made himself an alien, the wife, although residing with her children in this country, and judicially separated from her husband, who lived abroad, would be made a foreign subject against her own will, and against that of her family, through his changing his nationality, and if she were afterwards to reside in any foreign country, she would be deprived of all the rights, privileges, and protection to which a British subject would be entitled.

THE ATTORNEY GENERAL said, it was almost impossible to provide against every conceivable case of hardship; and the question was what rule, on the whole, was most expedient. It appeared that the balance of convenience was in favour of enacting that the wife should take the status of the husband, rather than in favour of enacting that, under certain circumstances, she should not do so. By the latter course we should get into difficult and complicated questions of domicile, of whether the husband and wife intended to remain separated permanently, or only temporarily, and the like.

MR. KINNAIRD said, he thought it would be very oppressive to a wife resident in England, and separated from her husband, to be forced against her will to become the subject of she knew not what power, through his naturalization abroad. He was surprised that, at a time when the rights of women were so loudly advocated, the House should seem determined thus to curtail them, and that no one but the worthy Alderman (Mr. Alderman Lawrence) had been found to say a word in their defence.

MR. G. B. GREGORY said, he would suggest that the case might be met by putting the divorced wife on the same footing as a widow in that matter.

THE SOLICITOR GENERAL said, they were now arguing a question of words, not of things. All the real rights and privileges of the parties were protected by the Bill. The only thing that was altered was the nationality.

MR. OSBORNE MORGAN said, he thought the question was a much wider one than many hon. Gentlemen believed, and the alteration affected not only the wife but the children.

SIR ROUNDELL PALMER said, those questions were very carefully considered in the Commission, and it was proposed that they should be settled in accordance with the universal principles of private International Law. It was quite settled as a matter of International Law generally that the status of the wife and that of minor children followed the status of the husband and father. The Bill proceeded on that principle, and no harm could result from that, because it was only political status that was in question; the Bill abolished all distinctions which at present existed between aliens and others as to the enjoyment of property. The Bill not only preserved the rights of children who did not go abroad, but enabled those children who left this country, and wives who became widows, or were divorced, to return to the condition of British subjects if they thought fit. He hoped the House would adhere to sound general principles, and not be affected by theoretical cases in which neither personal liberty nor property was involved.

MR. ALDERMAN W. LAWRENCE said, he must complain that the Bill did not provide for cases of judicial separation. He was of opinion that the rights of a wife and of children might be seriously affected if the consent of the wife were not required to enable the husband to change her nationality. He could not understand how hon. Members, who talked so much about the rights of women, could, in this wholesale manner, deprive women of rights they possessed, and make them, upon this question at least, mere chattels.

MR. G. B. GREGORY said, he wished to know in what part of the Bill the national status of a divorced wife was recognized.

SIR ROUNDELL PALMER said, that the result of a divorce *a vinculo* was, that the woman was no longer married, and therefore she would have the same power of becoming a British subject as any other independent person.

MR. DICKINSON said, he thought that inconvenience might occur in some cases; but he did not see what other course could be adopted than that of making the nationality of the wife follow that of the husband.

MR. JESSEL said, that the object of the Bill was to amend our naturalization law, so as to make it conform more nearly to International Law; and therefore it was necessary to adopt the general rule that the wife should follow the nationality of the husband. He believed that the objection to the clause was a mere theoretical one; except, sentimentally, the legal status of the wife would not be altered by the act of her husband. If hardship should follow from the provision in a case where there had been a judicial separation, the remedy would be to alter the law in respect of judicial separations so as to make a woman judicially separated a *feme sole.*

Clause *agreed to.*

Remaining clauses *agreed to.*

House *resumed.*

Bill *reported,* with Amendments; as amended, to be considered *To-morrow.*

WAR OFFICE BILL—[BILL 30.]

(*Mr. Cardwell, Captain Vivian.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Cardwell.*)

MR. J. FIELDEN, in rising to move that the Bill be read the third time upon this day six months, said, as an explanation of his reason for taking the unusual course of proposing the rejection of a measure on the third reading, he must remark that he was, in the first instance, led to suppose from the title of the Bill that it merely related to matters of detail connected with the management of certain Departments of the War Office, and therefore he did not suppose it would be necessary for him to oppose it. But, on examining the Bill in Committee, he found that it proposed to appoint two new Under Secretaries at the War Office, and was in that respect a most important measure. It had not been discussed fully and properly on its merits, because many Members on both sides of the House were not aware of the nature of the proposition; and several hon. Gentlemen had asked him about it, and, on learning the grounds of his opposition, were much astonished at the conduct of the Government in the matter. This was, in reality, a Bill to create a Clerk to the Ordnance and a Financial Secretary, each with a seat in the House and a salary of £1,500 a year. At the time of the Crimean War there was a Board of Ordnance; but the effect of the divided responsibility of management during war was such, that it was found to be essential for the salvation of the Army to abolish the separate establishment, and appoint the Secretary of State for War as the solely responsible Minister. It was now proposed to return to the former imperfect arrangement, and to reproduce the old evils at an increased cost to the taxpayers of the country. He objected altogether to the appointment of these new Secretaries; and even if such officials were appointed, he considered that there was no necessity for their having seats in that House, for the Secretary of State for War was quite capable of answering any Questions which might be put in the House as to the conduct of his Department. The duties in the War Office might be onerous; but those in the House could be discharged by one man. This was the worst possible time that could have been selected for the creation of new Offices, and the proposition came with a very bad grace from those who were such professors of retrenchment and economy —who had been dismissing dockyard labourers by hundreds and thousands, and who had reduced the number of soldiers and sailors in Her Majesty's service. It was true that by the proposed appointments that party would gain two votes; and he supposed they were looking forward to the time when their majority would be gradually waning away. The cruelty of the hardship imposed upon the dismissed labourers, soldiers, and sailors, could not well be exaggerated. The proceeding might have been necessary; but the Government had not shown much consideration for the feelings of the poor people. It might be very well to cut down national expenditure in this way in order to make a great display of economy; but if the effect was merely to transfer the maintenance of those persons from the general taxes to local rates, there was no saving to the country. On the contrary, an additional burden was imposed; for when people were reduced to the rank of paupers it was difficult for them to regain an independent position. What would the labouring people of this country, so many of whom had been discharged, say when they fully understood the scheme contained in this Bill, which would, doubtless, eventually create two more pensions? Would they not characterize it, and truly, as a Whig job? But apart from the objection on the score of the time at which the proposal was made, he maintained that the change was not called for, because more head clerks could not be required when the establishment had been reduced. No manufacturer, who was compelled by badness of trade to reduce his establishment, would dream of engaging new higher clerks. He believed, further, that even if more assistance was required in the War Office, the proposed officials were not the men for the work. Men who had to sit in that House from four in the afternoon until two or three o'clock next morning were obviously not the persons to attend an office from ten o'clock in the forenoon until five or six at night. The proper persons to transact office business of that kind would be clerks at £500 or £600 a year, who could devote the whole of their time to the business of the Department. They would not, however, be able to give the Government two votes, which, he contended, was the object of the Bill before the House. For these reasons, he begged leave to move that the Bill be read the third time upon this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Joshua Fielden.*)

Lord ELCHO said, he had placed an Amendment upon the Paper to the effect that this Bill should be re-committed; but, in consequence of the Motion of the hon. Member who had just sat down, the forms of the House would not now permit him to move it. He trusted, however, that the Secretary of State for War would be inclined to adopt the suggestions he was about to offer, although he was unable to make any Motion upon the subject. The right hon. Gentleman in introducing this measure had complained that, whereas in former times there had been four or five officers in the House to help the Secretary for War, he had now only the assistance of the hon. and gallant Gentleman the War Lord of the Treasury, who, in his (Lord Elcho's) opinion, acted rather as a check upon than as a help to the right hon. Gentleman. Though this Bill was the most important measure connected with Army administration that had been introduced since 1855, it somehow or another had scarcely excited more attention than if it had been a road Bill or any other ordinary measure, and had it not been for his protest, to which the Secretary of State for War had so considerately responded, it would have been read a third time some weeks ago, at an early hour in the morning. The hon. Gentleman who had just sat down (Mr. Fielden) had said that this was a Whig job; but he (Lord Elcho) could not concur in that observation. This measure was not simply one which empowered the Government to appoint two officers, one or both of whom might have seats in that House, and thus give the Government two additional votes; but it must be read in the light of Lord Northbrook's Report, and of the recent attempt of Sir Henry Storks, who held the office of Controller, to get into Parliament, and it was a Bill which proposed to re-construct the whole of the War Office administration. It would depend upon the acceptance of this Bill, in its present or in a modified form, whether the strength of the Army, and, consequently, of the nation, was to be increased for both defensive and aggressive purposes. Distrusting his own opinions upon a question of such vast importance to the interests of the country, he would content himself by quoting authorities which were entitled to considerable weight upon the subject of the administration of the Army. As the hon. Member who had just spoken had justly observed, this Bill sought to partially undo what had been done in 1855 and 1856 after the close of the Crimean War, during which the then existing system of Army administration was supposed to have broken down, although he (Lord Elcho) believed that it was possible to show that the misfortunes that then occurred might reasonably be attributed to other causes than the failure of that system, which had not had a fair trial at that time. The keystone of that system was the Master General of the Ordnance; but the Master General of the Ordnance was not here, but was in the Crimea. Nevertheless, as we were in the habit of doing in this country on most occasions, we had rushed to a conclusion at once, and had swept away the existing system root and branch. It appeared from the 2nd volume of Mr. Clode's book upon the administration of the Army that this great change was effected at the first Cabinet in which Lord Palmerston sat as Prime Minister, when the Secretary for War (the Earl of Dalhousie) took away with him on a sheet of note paper the memoranda for the destruction of the old system, and the substitution for it of a new one. The hon. Member who had just sat down had assumed that the change then effected had been a very salutary one, but what had been its results? Broadly stated, the results of that change had been that, whereas in 1853-4 the Estimates for the Army had been £10,114,449, they had increased in 1868 to £15,455,400, exclusive of the cost of the Army of Reserve, and without adding to the military strength of the country in any degree to justify so large an increase in the Estimates; though, no doubt, many things had been done to improve the position of the soldier, and in matters of transport and improved ordnance. Had the present system worked without friction? He found that it was stated in the work to which he referred that the Earl of Longford had said in the House of Lords that, during the 12 years that had elapsed since the consolidation of the Departments, 17 Royal Commissions, 18 Select Committees, 19 committees of officers within the War Office, besides 35 committees of military men, had considered points of policy connected with the Army, while there had been nine different Secretaries of State for War during that same period. Under these circumstances, the hon. Gentleman who had just sat down must admit that the right hon. Gentleman was perfectly justified in attempting, by the introduction of this measure, to take a step towards the reduction to order of the chaos that had existed during the past 12 years with reference to the Army administration. It was proposed by the Bill to appoint two officers—one, who was to have a seat in that House, to be called the Finance Secretary, and the other, who might have a seat in that House, to be called the Clerk of the Ordnance. Now, the hon. and gallant Gentleman opposite (Captain Vivian) had been appointed War Lord of the Treasury; but of his duties the House had no knowledge, except that they had been told that he was responsible for the finance of the Army, or something of that kind, but if he were to be appointed Financial Secretary his duties would in all probability be more clearly defined. If the House looked at Lord Northbrook's Report, they would find that in former times the system of supply and checks was carried out by auditors of imports, audit commissioners, controllers of Army accounts, an Auditor General, and an Accountant General, and the hon. Gentleman opposite had been appointed to represent the Treasury and to act as a check upon the Secretary of State for War. It thus appeared, as was stated in Lord Northbrook's Report, that Army finance had hitherto been conducted upon the principle that that no trust was to be placed in any of the various departments, and that officers and other departments must be placed over them to act as checks upon their extravagance. It was now, however, proposed that, instead of the various departments being antagonistic, they should work cordially and harmoniously together, and that they should all put their shoulders to the wheel in order to keep down the expenditure, while the efficiency of the Army was secured. In his view such a system would be a much sounder one than that which had hitherto been in vogue. The hon. Gentleman opposite would doubtless discharge his new duties admirably, and, as had been stated in Lord Northbrook's Report, there would probably be but little difficulty at any time in finding among the Members of that House a Gentleman who was qualified to fill the office of Financial Secretary. The office of Clerk of the Ordnance would, however, be much more difficult to fill. According to public rumour, the two offices of Clerk of the Ordnance and Controller in Chief were to be filled by one and the same person, namely, Sir Henry Storks, whose candidature for a seat in Parliament was already spoken of. But what were the duties which were to be discharged by the Clerk of the Ordnance? In France one set of officers were appointed to provide what were called *munitions de bouche*, which included everything necessary for the comfort of the men and beasts, such as food, forage, equipage, &c., while, on the other hand, the Board of Ordnance supplied the *munitions de guerre*, such as ammunition, &c. This officer would be responsible for everything in the shape of food for man and beast, for medical stores and transport; he would be responsible, also, for the food of guns, the big as well as little guns; for deciding whether the funds in the Exchequer would justify any proposed experiments; and for seeing that sufficient and not an excess of stores were provided for the manufacturing Departments. Would any man cognizant with business or the management of an estate say it was possible to get any single man thoroughly competent to discharge all these duties efficiently? His first objection to the appointment described in the Bill was founded on the finite and fallible character of man; it would be impossible to find a single man competent for the post, and even if such a one were found, on what a slender thread would the whole system hang! The efficiency of the Army would be dependent upon the bodily health of this one man, who might fail, perhaps, at the commencement of a war, the very moment when he would be most needed. The second objection was founded on the experience of all foreign nations. The French had a system of distinct control, and a proper division of duties, separating the commissariat for man from the supply of food for guns. The movements in the Crimea could not be taken as an example of war; they were not in the nature of a campaign; the General had any number of bases, the last being connected with the field by six miles of railway; the line of communication was perfectly safe, and the only thing which could threaten it—the Russian fleet—was under water from fear of capture. There could, therefore, be no comparison between the Crimea and the Peninsula, and the progress from the Peninsula to the gates of Paris was not made under a system based upon unity of control, but upon that division which at present exists in foreign armies. But this matter was inquired into a few years ago by a Committee composed of Lord

Strathnairn as Chairman; Sir Hope Grant, Q.M.G.; Sir Duncan Cameron; Sir William Power, Commissary General-in-Chief; Colonel Gambier, Deputy Adjutant General R.A.; Colonel Kennedy, Military Train; Colonel Shadwell, Military Assistant, War Office; Mr. Brown, Accountant General. In substance, this Commitiee recommended the appointment of a Controller, whose duties would correspond with those of the French *Intendant,* who made all provision for man and beast, including forage, fuel, light, and clothing, but had nothing to do with the provision of warlike stores; in fact, the Committee suggested a system similar to our Peninsular system and to that adopted by every country in Europe. This Committee also referred to the system sketched out by the late Lord Herbert, whose opinion in Army matters could not fail to carry weight. Lord Herbert's suggestion was that there should be a Parliamentary Under Secretary, a Permanent Secretary, a Secretary for Military Correspondence, a Director of Material (to have superintendence of manufactures of warlike stores, and to be an officer of the Royal Artillery), an Inspector General of Fortifications, and a Director of Supplies.

> "I would have," he said, "a military officer to overlook the Commissariat, the clothing, and all stores which are not what are called warlike stores."

Thus they had Lord Herbert recommending practically the same division of duties as existed in this country formerly, and in foreign countries, and was recommended by Lord Strathnairn's Committee. But he had an authority even greater than these, the Duke of Wellington, who, in 1837, gave evidence on the question of combining the Ordnance and the Commissariat. The Duke said—

> "I do not think it possible to intrust the establishments of the Ordnance abroad and in the country with the transaction of the business by the Commissariat. I am now adverting to a time of peace. In time of war, I consider it absolutely impracticable—quite out of the question; it could not be done. The persons charged with the care of the ordnance and stores in the field could not take charge of all those branches of business which are performed by the office of the Commissary General, which go to feed the troops and their horses and animals, and to supply them with the means of transport and all that is necessary."

Again—

> "I do not think that this consolidation is practicable; my reason is, that I think the Board of Ordnance have as much to do at present as they can well manage. But when you come to throw upon a great public Department, such as the Ordnance, the feeding of His Majesty's troops, and all the various duties performed by the Commissariat in England and all parts of the world, and the duties done by the officer under the Secretary at War, I conceive that a great deal more would be thrown upon the Board than they could undertake. I confess I do not think any money would be saved by this arrangement. I doubt that the Board could give any effectual assistance in the performance of those duties or could exercise any sufficient control over them. I am certain that in time of war the union of these Departments in the field or elsewhere would be absolutely out of the question."

Viscount Hardinge at the same time said—

> "There might by the proposed consolidation be some saving in time of peace, but a great deal of danger in time of war. My opinion decidedly is that everything that is consumed by man or by horse had better be left to the Commissariat, it would be imprudent to place it under the Ordnance."

Again—

> "Consolidation is bad when it prevents the head of a Department from personally investigating all the important details, and this applies more particularly to a Military Department, because the Army is a great mass of small details."

The authorities of greatest weight, therefore, were clearly against this combination; and he was bound to say, without wishing in any way to speak disrespectfully, they were authorities of greater weight than those composing the War Office Committee, which included Lord Northbrook, the right hon. Member for Halifax (Mr. Stansfeld), Sir Edward Lugard, and Mr. W. G. Anderson. There was some danger of administrators being led away by this idea of unity of responsibility and unity of control, and he hoped the recommendation of the high authorities he had quoted would be so far acted on in the reconstruction of the War Office — for that was what it came to — as to break up the control into departments, and make a manageable system dependent rather upon itself than upon a single efficient man. Another point was the position the Controllers were to bear to the Staff. Clearly, it was intended by Lord Strathnairn's, and he believed by Lord Northbrook's Committee also, that the Controller should be completely under the General; he maintained he should also be under the Staff of the General when that Staff was properly constituted. The French had a properly constituted Staff and a Chief of the Staff, who was conversant with every detail and responsible to the General for the proper working of the Commissariat, and he believed we might have a similar officer who should be completely under the control of the General. According to all accounts there was friction in the working of our Control Department. He might, indeed, cite numberless instances in proof of this assertion, but he would refrain from doing so, as this was a matter of principle, and not one of detail; and he would, therefore, assume that when any new system was established, there must be a certain amount of friction. To show, however, that, according to his view, our system of control in relation to the Staff was not a satisfactory one, he would refer again to Lord Northbrook's Report, in which it was stated that—

> "A General officer in command would give his orders to the principal officers under him—a Chief of the Staff upon matters of strategy and discipline, and a Controller upon matters of supply and transport."

To show the working of the French system, he might mention that a relation of his told him that when the English cavalry horses before Sebastopol were starving, he called on General Canrobert, and acquainted him with the state of affairs. The General at once summoned the Chief of the Staff—not the Intendant, be it observed—and said to him—"What forage have we in store for your division?" The Chief of the Staff went out to inquire, and coming back, replied—"There are so many feeds." The General immediately said—"Then send 30,000 feeds to Lord Lucan." This was a practical illustration of the French system. He would now cite the evidence given by the Controller himself before Lord Northbrook's Committee. Sir Henry Storks, in consequence of the rumours of friction between the military authorities and the Controller, was recalled and examined on that point. He was asked—

> "Can you tell us what the present practice is in regard to such intercourse?"

—(that is, between the Controller and the Staff of the General). The reply was—

> "As I understand, the present practice is for Control officers to act in obedience to the instructions I have given them. Mr. Drake, lately Controller in Ireland [and he named several others], have all assured me that they maintain constant and cordial intercourse with officers of the general Staff as regards their public duties, and I hold in my hand a letter from Colonel Martindale, the Controller in Canada, in which he says (dated Jan. 7 last)—'I have laid it down as a first rule to maintain the most friendly relations with all, and I hope by steady consideration and consulting them and with them (*i.e.*, the officers of the general Staff) in all practicable occasions, to maintain cordial relations.'"

Now, if the Army was in the field these Controllers would be liable to be hanged by order of the General in command; for the House would remember the story of the Duke of Wellington threatening to hang a Commissariat officer—who was equivalent to a Controller of the present day, if his Army was not properly properly provisioned. It appeared to him, therefore, that the position of the Controller was not satisfactory in its relation to the Staff of the Army. What was required was a proper division of the various duties. Sir Charles Trevelyan, who was at the head of the Commissariat in the Treasury, laid down a proposition which appeared to him to be a sound one—namely, that the Secretary of State should be assisted by four responsible advisers—the Commander-in-Chief for *personnel;* the Controller-in-Chief for all supplies (other than munitions of war) and transport; the Director General of Ordnance for munitions of war, and the Directors of Works for fortifications, barracks, &c. Sir Charles showed that on the Continent this organization was universally adopted, and, considering the degree to which the theory and practice of military administration were studied on the Continent, this unanimity was very significant. No doubt, it would be answered that practically we made such a division of labour at the same time that we were providing that one individual should be responsible for the working of all the departments. One person, however, could never have practical knowledge of all the different matters, nor properly look after them; so that he must be dependent upon the heads of the different subdivisions it was now proposed to establish. It appeared to him that, in this way, responsibility was to a great extent got rid of. It was proposed to establish a second Secretary of State for War without the Parliamentary responsibility attaching to a Secretary of State. A much more rational system might, in his opinion, be devised. The Government proposed that this officer should sit in the House of Commons, and this brought him to the question of the title it was intended to confer upon him. Indeed, his object in giving notice of his intention to move the recommittal of the Bill was to change that title. The officer was to be called Clerk of the Ordnance, his right hon. Friend (Mr. Cardwell) being so far a Conservative that he wished to retain the old name, although it would no longer indicate the nature of the office. Formerly the Clerk of the Ordnance was in reality Clerk to the Board of Ordnance, and the title was then perfectly intelligible. He was responsible for the finance of the Army, and made contracts, while the Surveyor was responsible for the quality of the materials supplied by virtue of those contracts. The Ordnance at that time only supplied munitions of war, and the office of Clerk was frequently held by civilians—as, for instance, by the right hon. Member for Limerick (Mr. Monsell). But under the proposed scheme the so-called Clerk of the Ordnance would have also to deal with the Commissariat and with the other departments, and he contended, therefore, that the name was a wrong one. If there were to be one person to represent these different departments in the House, and if he were in reality to be the Controller-in-Chief, would it not be more rational to call him so at once? Instead of objecting to the Government gaining two votes, he should like them to have three, as he thought a system ought to be adopted similar to that recommended by Sir Charles Trevelyan. He admitted that in consequence of the ancient constitutional checks established in this country, and of the way in which they were intertwined, it would be very difficult to devise a system which would secure unity of responsibility with a proper division of duties, and which would further give efficient Parliamentary responsibility and ample economical control. This was the problem to be solved; but the danger was that we might over-concentrate, as we had done already. In his judgment, we ought to minimize as much as possible this unity of responsibility as far as regarded the sub-departments. Though the task was a difficult one, yet it might, he believed, be accomplished. It could, however, be accomplished only by having regard to the precedents which we found in our own history and to the example set us by Continental nations. We must not fancy that we, who by the appointment of so many Commissions of Inquiry into the subject showed the state of confusion which we were in with respect to it, would be adopting the right course by striking out for ourselves a new system differing from any in operation among our contemporaries. Least of all would it, in his opinion, be wise to endeavour to establish a system which, at the best, we could hope to work only in time of peace; but which, as was said by the Duke of Wellington, must infallibly break down in war because of its resting on the fallibility and finite powers of one single man.

Mr. STANSFELD said, the two speeches to which the House had just listened were of a very different character. His hon. Friend (Mr. Fielden), who had made a Motion which, if carried, would be equivalent to the rejection of the Bill, appeared to him to have read the Bill and nothing but the Bill, and out of the depths of his own consciousness to have imagined the motives which had induced his right hon. Friend the Secretary of State for War to propose it to Parliament. His noble Friend who spoke last, on the other hand, had read the Reports of the Committee, which he had evidently done them the honour of perusing carefully; but he seemed, nevertheless, to have imported too much into the consideration of the measure itself the scheme of those Reports. It was by no means necessary, however, that his noble Friend should concur in all the recommendations contained in the Reports, or even in that important one from which he appeared to differ—as to the constitution in all respects of the department of Control—in order to give the Bill his assent. But he wished, before referring further to the noble Lord's remarks, to say a few words in reply to the speech of his hon. Friend. His hon. Friend spoke of the grumbling of the dockyard men who had been discharged by the hundred, and whose case, he seemed to think, had not been considered by the Board of Admiralty with due attention and regard. Now, it might be sufficient for him to say, in answer to his hon. Friend, that there was no relevancy in remarks of that kind in the present discussion, and that the discharge of dockyard men for whom, in the opinion of the Board of Admiralty, there was not employment, was not a circumstance which ought to affect in any way the consideration of the Bill before the House. He must, however, observe, in passing, that if it had been the policy of the Admiralty to reduce the expenditure in our dockyards, that policy had been carried out with all the consideration which was consistent with such reduction, and with a liberality of treatment in many instances greater than was justified by ordinary precedents. It was, of course, open to his hon. Friend to question the policy of reduction itself; but the point was one which, as he had already intimated, was not relevant to the present discussion. The conclusive reply which he had to make to the speech of his hon. Friend was that no new offices imposing new charges on the public were created by the Bill. His right hon. Friend proposed to abolish the office of Assistant Under Secretary, because he had arrived at the conclusion that the duties connected with it could with advantage be discharged by a Member of that House; and as to the salary of the Clerk of the Ordnance, it would entail no fresh charge on the public, because if the Clerk of the Ordnance or the Controller—he was sure his right hon. Friend would not quarrel with the noble Lord on a mere point of nomenclature—were in the House there would be but one salary, while if the Clerk of the Ordnance were in the House and the Controller out of it, it would be found that there would be a saving in subordinate offices much more than sufficient to cover the expenditure, without any reference to those large economies which his right hon. Friend had already effected. He must add, in reply to the hon. Gentleman who opened the debate, and speaking also with some little knowledge of business transactions and the principles of business organization, that in any business, great or small, the first thing a business man looked to was the fitting organization for accomplishing the purposes of his business, it being quite a secondary consideration whether that organization, without which no business could be successful, did or did not involve extra charge. The expenditure against which a business man protested, and which he cut down without mercy, was that wasteful expenditure which was productive of no result; but he never grudged, or feared, or criticized in any mere parsimonious way such expenditure as was necessary for the complete organization of any business which it was worth while to conduct. His noble Friend who spoke last, in referring to the Report of the Committee of which he (Mr. Stansfeld) had the honour to be a member, said very fairly—though he must make an exception so far as Sir Edward Lugard was concerned, who was a very competent and high authority on military subjects—that the Members of the Committee were not authorities on the question of military organization. In that view he entirely concurred with his noble Friend; but he did not know whether his noble Friend himself pretended to speak with more authority upon military matters than belonged to a public man of intelligence who had given long attention to such matters.

Lord ELCHO: I did not speak of the members of the Committee as not being authorities on the subject. I simply compared them with other authorities who I said I thought were the weightier of the two.

Mr. STANSFELD said, he had no hesitation in admitting that his noble Friend might, with perfect justice, have put the case as against the Committee still more strongly; for, undoubtedly, with the exception of Sir Edward Lugard, there was no member of it who felt disposed to look upon himself as an authority on the question of military organization. Their attention was directed to hearing and weighing evidence, and to come to a conclusion upon it, just as the Members of that House were in the habit of deciding on all sorts of subjects, whether military, naval, or commercial, which were brought under their consideration. He would further observe that, while the Committee were engaged in taking evidence, he felt no small amount of confidence—knowing the views of his noble Friend on Army organization—that their Reports would meet his approval, based as they were on that notion of military organization which preferred a reasonable confidence to irritating distrust, and which was in favour of the combination of unity which was absolutely necessary with that subordinate organization which was equally indispensable. His noble Friend did not, he was happy to think, differ very widely from the Committee. He said that at the time of the Crimean War, when all the various functions which had previously been distributed between the Board of Ordnance, the Secretary at War, the Secretary for the Colonies, the Home Office, and the Treasury, were combined in the Secretary of State for War, the necessity of distributing labour and responsibility had been forgotten in the search for unity. In that opinion both he and his right hon. Friend at the head of the War Office agreed with the noble Lord, and it was precisely because the history of the post-Crimean period showed that unity had been effected without due regard to the labour of working an enormous Department—for which, after all, the Secretary for War was ultimately responsible—that it was found necessary to go back on the existing arrangements, as was now proposed, and, while maintaining supreme the unity and responsibility of control of the Secretary of State, to see by what means the responsibility of persons responsible to him could be devised so as to organize in a more complete manner the great Department of which he was the head. Taking the Control department, to which his noble Friend had mainly directed his remarks, he would observe that Lord Strathnairn's Committee had recommended the division of the Commissariat and the Ordnance branches. The Government had proposed that the Control department should be divided into two distinct branches; that the one should be the branch for the Transport and Commissariat, and the other the branch for Military and Ordnance stores. Therefore, as far as those two branches were concerned, they had that very severance of which his noble Friend approved, in common with Lord Strathnairn's Committee and all the other authorities. But, having got that as a substratum, so to speak, they came at the next stage of the inquiry to another difficulty. Evidence was brought before them of the evils arising from the absence of unity of management, in war and in peace, of the Transport and Commissariat on the one hand, and of the Ordnance stores on the other. If his noble Friend read the evidence carefully he must know it was by no means admitted, but rather the contrary, that the Continental system of the division of those two functions was perfect. Military men were agreed that they should have that division; but he thought they were not agreed that those divisions, as far as professional subordinate supervision was concerned, should not be united in one superior officer, whether in time of peace or in time of war, who should sum up the labours of those two divisions in himself, and should so relieve the Secretary of State here in time of peace, or the Commander-in-Chief in time of war or during a campaign, of the difficulty of communicating with two departments instead of with the head of both combined. The theory of the Government, was that they had succeeded in combining the advantages of that division between the Commissariat and Transport branches on the one hand and the administration of the Ordnance supplies on the other; while they had placed both under the Controller, who stood between them and the Secretary of State; thus securing all the benefits of unity of administration, which was so important either in peace or in war. Their notion generally of the administration of the War Department had been this — The Secretary of State was to sum up the various administrative functions under certain natural divisions. Those natural divisions appeared to them to be, first of all, the command of the *personnel* of the army. Secondly, they thought that under the Secretary of State, in the person of the Controller, should be summed up the supervision of the *matériel*, the supply, and the Transport business of the army. Thirdly, they had thought that under the Secretary of State should be summed up, in the person of one officer, and that one a Parliamentary officer, the function of finance. If they organized a department not on the theory of reasonable trust, and with an intention that it should be efficient, but on the theory of distrust, and with the intention of preventing expenditure rather than of securing economy, then they might set a permanent officer to watch, and criticize, and check the expenditure of an administrative department. But if they wished to raise the function of finance out of that condition which had proved rather to be a source of irritation and of inefficiency than of efficiency and economy combined, then they must elevate it, and correspondingly raise the status and power of the person who had to exercise it. The best way of elevating its function was to regard finance as a part of policy, and instead of looking at mere concurrent financial criticism and check, to think of the function of financial initiation and control. They could not give those higher attributes to the function of finance unless they placed at the head of that sub-department of the War Office a man who, as a Member of that House, should possess the confidence of the House, and should carry into that department, requiring the great reforms which they expected his right hon. Friend to accomplish, the prestige and the power of that House. He thought, on the whole, that those principles would recommend themselves, not only to his noble Friend, but also to the House.

Sir JOHN PAKINGTON said, he hoped his hon. Friend the Member for the West Riding (Mr. J. Fielden) would pause before calling on the House to divide on his Motion. It was not unnatural on the part of his hon. Friend, at a moment when the Government had been pressing, to an extent which some deemed excessive, the reduction of our establishments and increased economy in the conduct of public affairs, to say that there might seem to be some inconsistency in the Government coming forward to add to the public expenditure by the creation of two new Offices, which would also augment their own official power. But he hoped, on reflection, his hon. Friend would admit that there were other considerations to which weight should be given; and the first of those considerations was, that the business of the Government in that House should be so managed as to be conducted efficiently and well. Another point of no small importance was, that they ought not to add unduly to the labours of public officers. With regard to the office now occupied by his right hon. Friend opposite, and which he himself had had the honour to fill, what was their experience of the last few years? Where was Lord Herbert; where was Sir George Lewis; where was Sir Benjamin Hawes? Was he exaggerating when he said there was reason to believe that those able public servants had fallen victims to the arduous labours of that office. His right hon. Friend opposite, like himself had, filled several important Offices under the Crown; and he believed his right hon. Friend would agree with him that the most arduous, the most laborious of those offices was the one of which he now from day to day bore the heavy burden. On those grounds he must repeat what he had said before —that he thought the proposal of his right hon. Friend opposite in itself, so far as it proposed to increase the power and the number representing the War Office in that House, was a perfectly fair and legitimate one; and it was impossible, therefore, for him, with any propriety or honesty, to vote against the third reading of the Bill. He now turned to what had fallen from his noble Friend (Lord Elcho), who had referred to the changes that occurred in 1856. Since then the War Office had never become thoroughly consolidated, nor had it worked quite satisfactorily; and his right hon. Friend opposite deserved credit, rather than censure, for attempting to effect some reforms in the present system. He thought his right hon. Friend had acted with prudence in appointing a distinct committee, composed of gentlemen who were not all members of the War Office, to consider the best mode of carrying out those changes. They were now called on by his noble Friend to consider whether those changes were the best and most prudent that could be adopted. He must say he agreed with his noble Friend as to the title which had been selected for the new office formerly filled by the Clerk of the Ordnance. If it were intended to introduce into the House a new Member of the Government, to occupy an important place and to fulfil important duties, he ought to have a title which, in the first place, should be indicative of the duty with which he was charged, and, in the second, should convey some idea of the important position he occupied. Another question which his noble Friend had not touched upon, but which had been raised on a former occasion, and which was an important one in itself, was whether the appointment of this new officer would not interfere with the distinct position of the Under Secretary of State, who might happen to have a seat in this House, while the Secretary of State was a Member of the other House, in which case the War Office would be represented by him; and such a possibility rendered it important that in the new arrangement there should be no room for the slightest misapprehension as to who was to be the chief representative of the Department in the House. The Government would admit that, whoever it might be who so represented the Department in that House, it was important he should not receive a smaller remuneration than those who were subordinate to him. He understood that the proposal was that the Clerk of Ordnance should receive £2,000 a year, while the Under Secretary of State had only £1,600, and he presumed the salary of the Financial Secretary was £1,500. The proposal might be, to a certain extent, founded upon that which he thought it right to do, with general concurrence, on the appointment of Sir Henry Storks to the Control department. He was quite prepared to defend the course he took on that occasion, and so long as Sir Henry Storks retained the office, it would be impossible to reduce the salary; but it did not follow that the present arrangement should be regarded as a permanent one; and what he would suggest for consideration was, whether it would not be desirable that the Under Secretary of State should have the salary of £2,000, and that the two new officers should be placed on the same footing, and should have £1,500 a year. Another important question was this—what were to be the functions of this new officer, who was at present styled Clerk of the Ordnance? Although his right hon. Friend opposite had responded to his inquiries with the greatest courtesy, he had never succeeded in understanding clearly what were to be the functions of this new officer, and he had entertained the fear that there was to be a too great consolidation of duty and of power. So far as he had been able to form an opinion, the Committee on the Arrangements of the War Department discharged their duty creditably, and no one could read their Report without seeing that they must have given long consideration and anxious thought to the subject. Speaking of this new officer the Committee said—

> "Under the Chief of the Department, who may, if our recommendation be carried out, be a Parliamentary officer, there would be—first, a Supply Division, to deal with the business relating to transport and the supply of the articles required for the daily consumption of an army, such as food, forage, fuel, and light; secondly, a Store Division for munitions of war and miscellaneous stores, under an officer specially qualified to deal with munitions of war."

Thus two distinct branches were to be combined; but the matter did not end there, for the Report proceeded—

> "We recommend that the direction of experiments relating to munitions of war should be placed under the Chief of the Control Department, because he is the officer responsible not only for the provision of supplies in proper quantities, but also for seeing that they are of proper quality."

[Mr. Stansfeld: It proposes to have a Council of Ordnance.] No doubt; but that did not much diminish the importance of the question whether it was not proposed to throw too heavy a burden on this new officer. He had always thought that in the hurried re-arrangement too much was done, and that consolidation was carried too far. Before the change, there was a distinct Department for Ordnance; but, since 1855, science had effected a revolution in our artillery, guns, and naval ordnance, and the demand made upon intelligence and skill by the rapid advance of science rendered it more than ever necessary that ordnance should have the attention of a distinct Department of the State, which his right hon. Friend would have done well to institute. It was, indeed, a very grave question whether the Ordnance department should be mixed up with others, as it was at present, and whether the superintendence of vitally important experiments which were going on from day to day, which alone were sufficient to require the undivided attention of the most able and intelligent officer to be found, should be imposed upon a Gentleman who, during the Session, would have to spend many hours daily in the discharge of Parliamentary duties. He thought that there was a great deal of force in what had fallen from his noble Friend (Lord Elcho), and his suggestions were worthy of attention on the part of the Government.

Mr. NEWDEGATE said, that the experience he had gained as a Member of the Arms Committee convinced him that the business of the Ordnance department would be much better done by an officer not having a seat in that House. Scientific supervision would require an amount of devotion to scientific pursuits and to details of business frequently incompatible with the position of a Member of the House, and this consideration must have presented itself to the minds of those who drew the present Bill, because they proposed to admit as a Member of the House the Clerk of Ordnance under circumstances totally different from those on which the representatives of Government Departments were ordinarily admitted.

Sir JOHN HAY said, he was glad to be able, from some little experience, to confirm what had fallen from the right hon. Baronet the Member for Droitwich (Sir John Pakington). He conceived the House and the country would not have due satisfaction in the management of the Ordnance until it was again separated from the control of the Secretary of State for War. A very large portion of the expenditure of that department was due to the Admiralty. One half of the ordnance wanted was required for the Navy and fortifications; and the constant changes occurring from day to day were such as ought to receive the undivided attention of some officer capable of explaining matters in Parliament; but the practice had been to make the Secretary for War or the First Lord of the Admiralty nominally responsible, and then to appoint various Committees of Inquiry so as to relieve those great officers of State from their responsibility. The sooner that practice was abolished the better. The Secretary of State for War ought to be relieved from the constant supervision of this department, and the ordnance for the Army, Navy, and fortifications ought to be in the hands of one officer, with the view to the economical administration and efficiency of the department.

Sir JAMES ELPHINSTONE said, he agreed with his hon. and gallant Friend (Sir John Hay) in thinking that, having regard to the complicated nature of modern artillery, and the novelties continually being introduced, there should be, for the sake of efficiency, a Director-General of Ordnance for the Navy as well as for the Army. He trusted that the changes proposed by the present Bill, which appeared to be approved, in great measure, on both sides of the House, would produce more harmonious working in the War departments. Circumstances had lately come under his notice showing that there was not a proper understanding between the two great branches. Orders were sent out by one department without the knowledge of the other, and great hardships were thereby inflicted on officers and men. The whole system was in a state of complete disorganization, and the conduct pursued by the War Office to the Commander of the Forces was not such as should be shown by one great department towards another. Troops were recalled from different parts of the world, and movements made without the slightest communication between the two departments. In the case of one West India Regiment officers were sent out after orders for the reduction of the regiment had gone out from the War Office. He understood that the other day a corps that had been raised for special service in India was recalled by telegraph, and the officers and men were selling their horses and property for almost nothing. Consequently, those unfortunate men and their wives and children would be brought over to this country in a state of practical destitution. If it was necessary to reduce our establishments, there was no necessity for such precipitate and harsh proceedings, and he hoped there would be more harmonious working between the two departments in future.

Mr. CRAUFURD said, he had hoped to hear from the Secretary to the Treasury some assurance of the introduction of the commercial element into the financial administration of the Army, which had been attended with such beneficial results in the financial administration of the Admiralty, and he trusted his right hon. Friend (the Secretary of State for War), who was about to address the House, would not sit down without giving an assurance to that effect, which he was sure would be received with very great satisfaction.

Mr. CARDWELL: Sir, the Motion which has been made for the rejection of this Bill on the third reading, after its passing all the former stages with general consent, was based on an entirely unfounded argument. So far as I can collect from the statement of the hon. Gentleman (Mr. J. Fielden), he appears to think that this Bill proposes to add new salaries to those already on the Estimates, and to create new pensions, whereas the Bill proposes no new salary at all; and if it has any effect on pensions, by making an officer before permanent into a Parliamentary officer, the effect, if any, must be the other way. I hope, therefore, if I have entirely destroyed the reason on which the hon. Member founded his Motion, I may also persuade him not to give the House the trouble of dividing upon it. The object of the Bill is not to increase salaries, but to increase Parliamentary responsibility. My right hon. Friend (Sir John Pakington), who sits opposite, and has so candidly received and weighed every proposal I have made, has alluded to the effect the labours of Office have had on the heads of the Department in which he and I have served, as regards those who have preceded us. I am sure that neither he nor I, nor any one worthy of serving the public or sitting in this House, would grudge any amount of labour or sacrifice he might make in the discharge of his public duty. But one thing, I think, he has a right to hope for and to expect, and that is the possibility that, by the utmost exertion and the utmost labour, he should be able to discharge his duty satisfactorily. Now, I do not hesitate to say my firm conviction is that, as long as the duties of the Office are discharged only by those men whom in ordinary times you may expect to be able to find, the duties of the War Department, as now constituted, cannot be satisfactorily and properly discharged by anybody. You have never had a War Department in this country properly constituted for the discharge of the whole duties of the Military Department. Before the Crimean War the Commander-in-Chief commanded the Cavalry and Infantry, and was controlled by the Secretary at War. The Board of Ordnance regulated many of the miscellaneous matters, including the munitions of war. The hon. Member for North Warwickshire (Mr. Newdegate) objects to the Board of Ordnance, and thinks it was abolished on the ground of incompetency, differing in that respect from the great authority of the Duke of Wellington, who considered the Board of Ordnance the best constituted Department in the State. Now, it was the determination of this House, at the time of the Crimean War, that there should be unity of responsibility under one Minister. This Bill maintains that unity of responsibility. But when you proceeded entirely to destroy the whole of the Board of Ordnance, and also placed the financial office of the Secretary at War on the shoulders of the Secretary of State, I think you carried consolidation too far. I think you carried consolidation so far that you rendered the effective discharge of the duties absolutely impossible. The hon. Member opposite (Mr. Fielden) considers that a man who has not the labour of sitting in Parliament can discharge those duties far more effectively, and that it would be better, therefore, that they should be discharged by permanent civil servants. No one feels more than I do the great value of the permanent civil servants of the country; but I can assure the hon. Member that we do not want additional civil servants in the War Department; on the contrary, I look forward to materially reducing the expenditure of the civil servants in that Department. But what we want is this—that those who are called upon to explain matters to this House shall have the means and leisure, by personal acquaintance, to be informed of what they have to explain; and that those who wish to discharge their duty faithfully shall not be obliged to speak from knowledge which must be superficial, because collected, perhaps, within only a few hours of making their statement in this House. Let anyone look at the Notice Paper—I will not say to-night, for it is exceptionally a light one, but any other night, and see the innumerable topics on which the civilian—for he is usually a civilian who holds the office of Secretary of State for War—is expected to inform the House. No one could suppose that it was in the power of man to obtain within 24 hours the complete, thorough, perfect knowledge which he ought to have on all these topics before he addresses the House of Commons in regard to them. It is impossible. Well, then, what this Bill proposes to do is really to revive the old Board of Ordnance to a limited extent—in the person of the officer whom the Bill calls the Clerk of the Ordnance, and to revive the office of the Secretary at War in the person of the officer whom the Bill calls the Financial Secretary. This part of the Bill has been I will not say opposed, but criticized in a friendly spirit by my noble Friend opposite (Lord Elcho). What we do is the reverse of concentration—it is disintegration. What we propose to do is this—to effect within the War Office that separation which Lord Strathnairn recommended—that is, that the Supply and Transport should be under the direction of one of the permanent servants of the War Office, and the munitions of war and stores under another; I only ask that one Parliamentary officer should represent both in this House. If in the future there should be a greater demand on the part of any of my successors in that respect, it will be for the House then to consider it; but at present what I think is, that there should be this division of duties in the War Office, and that one Parliamentary officer should be responsible for both. And I do so on this ground—I entertain the opinion myself, in which also His Royal Highness the Field-Marshal Commanding-in-Chief concurs, as may be seen by his evidence—that it is desirable that under one control there should be two assistants; one responsible, as I propose, for Transport and Supply, and the other for munitions of war and stores. I think you would find if you did not unite under one responsibility the whole of the supplies of the Army, you would have some of that confusion you had in the Crimean War. You would have two sets of warehouses, two sets of warehouse officers, and two sets of stores, and frequently a superabundant supply in one department where there was a scarcity in another. I therefore believe that the experiment of having one responsible officer of the two divisions is the best arrangement that can be made. My right hon. Friend opposite asked me what should be the precedence of the Parliamentary Under Secretary as regards the new officers. In the Ordnance Council the Parliamentary Under Secretary is president, and it is proposed that the new officer should be vice president. In framing the Orders in Council, which the Bill enables us to do, it will be quite possible to secure the relative relations of the two officers; but with regard to salaries, I have taken existing salaries as they stand and propose no change at all. They are not fixed in the Bill, but are to be voted by Parliament. Of course, it will be in the discretion of the House to arrange them as they please. I should see no reason why the salary should be higher than £1,500, which is the salary of the Financial Secretary, and I am ready to accept the suggestion of my right hon. Friend, that when the office shall be vacated by Sir Henry Storks, to whom he very properly assigned the salary of £2,000, it shall be taken by his successor at £1,500. I do not know that there is any other question which I have to answer. [Sir JOHN PAKINGTON: There is the title.] I do not know that the title is of much consequence. "The Clerk of the Ordnance" was proposed by me because it was that of the last surviving officer of the old Board of Ordnance, and because it had an economical appearance. The Clerk of the Ordnance was the person who usually moved the Estimates in the House, and I thought the name might have been preserved; but if the name of Surveyor General be more acceptable to the House, I have no objection to adopt it. In point of description that title would, I believe, be more accurate; for the financial department being represented by the Financial Secretary, the control of the ordnance generally would be properly represented by the term Surveyor General. Before I rose, an hon. Gentleman opposite (Sir James Elphinstone) took the opportunity of entering into a general discussion about the relations between the War Office and the Horse Guards. I think I should only waste the time of the House if I entered into a discussion of the various topics which he brought forward. All I can say is that this subject has been fully considered by His Royal Highness the Field-Marshal Commanding-in-Chief in communication with me, and I hope that the most satisfactory relations will always continue to exist between us; in that respect I entirely reciprocate the good wishes of the hon. Gentleman. I do not know that I have anything more to say than to express a hope that the hon. Gentleman (Mr. Fielden), finding that the criticisms which have been passed were in a direction opposite to his own, will not think it necessary to give the House the trouble of dividing; and to express my gratitude to my right hon. Friend who sits beside me (Mr. Stansfeld) and to the Members of the Committee for the great labour which they have bestowed, and the great ability which they have displayed in preparing this Report, and my acknowledgments also to the House for the way in which they have received a proposal which I hope and trust will conduce to the economy and to the efficiency of the War Department. My hon. Friend who sits near me (Mr. Craufurd) said he hoped the appointments which would be made under this Bill would be conducive to economy. All I can say is, that I am most desirous they should conduce to such an excellent result, and I hope that whoever succeeds to these appointments, being Members of this House, will enjoy the confidence of the House. In saying this, I may not be saying all that my hon. Friend desires; but I am persuaded that the possession of this confidence will go far to secure the economy which he desires should be attained.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 80; Noes 6: Majority 74.

Main Question put, and *agreed to.*

Bill read the third time; verbal Amendments made; Bill *passed.*

POOR RELIEF (METROPOLIS) BILL.

(*Mr. Goschen, Mr. Arthur Peel.*)

[BILL 36.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Goschen.*)

DR. BREWER said, he had not intended to take a prominent part in opposing this Bill; but he could not allow it to be read a second time without observation. He did not deny the existence of the evil which the Bill was introduced to remedy; but he considered that the value of a measure, which at any rate tended to alter the whole policy of local self-government as applied to the management of the poor, ought to be gauged not simply by the force of evidence as to the existence of a particular evil, nor by the adequacy of the provisions of the Bill to remedy that special evil, but by evidence showing that the framers of the Bill and the measure itself grasped the subject in all its bearings. The Bill was intended to provide for one salient evil; but it neglected other evils equally salient. The inequality of the distribution of the charge for the relief of the poor over the whole of the metropolitan area was the evil at which the Bill was aimed; but those who had studied the subject knew that this was not the only evil, and not even the chief or prominent evil, to be remedied. The great defect of local Poor Law government in the metropolis at the present time was its disorganization; and the origin of this could be traced to the various action of the Poor Law Board during the last four or five years. They had taken up the subject bit by bit, had dealt with a part without reference to the whole, and consequently had thrown the whole machine into inextricable disorder. The indefiniteness of the duties and functions of the Local Boards was one of the sources of this disorganization. Another source was the irresponsible management of what was called the Common Fund, the incurable vice of which was that the collection and distribution of this Fund was not under the direction or under the correction of representation; the body responsible for collection had no voice whatever in the distribution of the rates. And by this Bill the principle of representative government in local self-government was entirely and effectually destroyed. He would point out what the sum proposed in the Bill—namely, 3*s.* 6*d.* for each pauper in the workhouse — represented. It really represented the expenditure of 31*s.* a week in every artizan's family for maintenance, lodging, &c., in order for him to obtain the same advantages which the Bill contemplated for the pauper. An artizan must be in very prosperous circumstances to be able to give his wife, for lodging and maintenance, 31*s.* a week. Supposing that a wife and a family of four children—and that was the average number—cost 21*s.* a week for food, 6*s.* for lodging, 4*s.* for clothing, these items amounted to 31*s.*; and to do it he must be in receipt of 40*s.* a week as wages. He (Dr. Brewer) did not believe that the House would sanction such an abnegation of constitutional principle as was adopted in the case of this Common Fund. Those who contributed to it were to have no share in its expenditure—those who were to spend it were not to be responsible to those who contributed to it. A third evil was the utter uncertainty that existed as to the action of the Central Board. Practically, it was impossible to separate in-door from out-door relief, because a knowledge of the persons, circumstances, and conditions of the applicants was an essential requisite in dealing with pauperism. According to the principle laid down by the right hon. Gentleman at the head of the Government on a recent occasion, the fund for the relief of the poor should be taken from the neighbourhood. The right hon. Gentleman said that even the principle of the Poor Law, if you examined it closely, presented the gravest difficulties to the philosophic mind; and this principle of neighbourly love and care was the only one on which a Poor Law could be tolerated at all: the funds being supplied from local levies in each neighbourhood, the sentiment of honour and the sentiment of shame imposed a salutary check on that which would otherwise prove an inroad on the property, the self-respect, the morality, and the independence of the people. The great point, then, was to ascertain how could the scruples of the philosophic mind be set at rest by the Bill before the House. "The funds for the relief of the poor should be taken from the neighbourhood." Why, this Bill established a directly opposite principle; the fund was to be taken, not from the neighbourhood, but from the whole area of this huge metropolis. The idea of providing for neighbours was knocked on the head at once. It was impossible to show that if they collected the money for the relief of the poor over the whole metropolis this neighbourly action could be maintained which the First Minister regarded as so essential. The Bill not simply was opposed to the practice of the people of this country, but directly contravened the principle upon which alone the First Minister said a Poor Relief Law could be accepted by a philosophic, or, in other words, a good practical politician. It was impossible for him (Dr. Brewer), if he had any regard whatever to the principle of the old Poor Law institutions of this country, to support this Bill. The Poor Law Board was practically irresponsible; and the policy of the Board was notoriously fitful. The power given to that Board by the Bill was more autocratic than any power ever before sought by the Government of this country, and was unparalleled in any previous legislation. So far from inspiring confidence, the Bill had created widespread and very reasonable alarm, and this alarm had not been allayed by the course of action pursued by the Poor Law Board during the last four or or five months. A letter had been issued, signed by the right hon. Gentleman at the head of the Poor Law Board, according to which one-half the rates was decidedly illegal, and yet he allowed 100,000 summonses to be issued in the metropolis against those who could not, or would not, pay. Why should the right hon. Gentleman call upon the law of the land to enforce payment of charges which he himself allowed to be illegal? For his own part, he could not suffer this Bill to pass without protesting against it, in the first place, as a bit of piecemeal legislation, when comprehensive legislation was required; and, secondly, because it proposed to deal with the taxation of the country in a most objectionable manner. He begged to move that the Bill be read a second time upon this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Dr. Brewer.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. SAMUDA said, he should give his support to the Motion for the second reading, on the ground that the measure was a just one, and was demanded by the circumstances of the case. Instead of being a piecemeal attempt at legislation it had, in his opinion, been framed from a most comprehensive point of view. He was old enough to recollect when the majority of merchants and manufacturers in the metropolis lived in the places where they carried on their business. But as time went on, and the metropolis increased in size, that state of things was altered for the convenience of all; a separation was made, and one quarter of the town was occupied by those who could afford to live in wealth and ease, and another by those who were engaged in daily toil. The poorer portion of the community having been thus drawn to one end of the town and the richer to another, the wealthy naturally retained the same obligation to pay which they had formerly acknowledged when they lived among their humbler neighbours. Therefore, instead of proposing a total change in the provisions for the management of the poor, as the hon. Gentleman seemed to think, it did nothing more than revive the state of things which had existed formerly, and that in itself was a vast recommendation of the measure. Within the last few years a portion of the charge for the poor had been thrown on the Common Fund, and every one must admit the great advantage which had resulted to the community from that amendment of the law. What was now proposed was merely a further step in the same direction. If the sum to be allowed for each pauper was considered too much, the right place to correct that would be in Committee. But the object of the Bill was simply to assign such a sum as in practice might be found absolutely necessary for the maintenance of the pauper in the different workhouses of the metropolis. If that were so reformation must be sought in each individual workhouse, and no objection could properly be taken to the Bill, which sought to lay down not an increased sum for the maintenance of the pauper, but an average sum. And after all was said and done, what was the great difference which these changes would make in each parish? It appeared from a Return made about two months ago that, with the exception of the City of London, the greatest difference was something like the difference between 1*s.* 7*d.* in some of the most favoured districts, and 2*s.* 7*d.* or 2*s.* 9*d.* in some of the less favoured. Doubtless, there were exceptions to this. He believed the Bank of England was exempted from the payment of poor rates altogether, and that the exemption had arisen in this way—that as the institution occupied an entire parish, there were no parochial authorities, no poor, and no machinery for making or levying poor rates, and this was an instance of the inequality resulting from the present system of levying the rates over very small areas, and showed the advantage that a more general distribution would insure. He regarded the object sought to be obtained by charging the cost of maintenance of in-door paupers throughout the metropolis on the General Fund, contributed by all the parishes, as fair in principle and likely to be very beneficial in practice, from decreasing the encouragement to excessive out-door relief, and he gave it his general support.

MR. W. M. TORRENS said, that if the Bill sought only to effect an equalization of poor rates he would not endeavour to dissuade the House from agreeing to its second reading; but the measure disfranchised the ratepayers of London of a large part of the power which they had always enjoyed, while it also gave the Government an unlimited control over patronage of a small pettifogging kind which they would be much better without. It was a Bill to multiply places, which if there was not work attached to them would be "jobs," and which, if there were, would be the fruits and profits of centralizing usurpation. It was a Bill to change the administration of the Poor Law over an area containing 3,000,000 of people. He asked the representatives of counties and boroughs to give London fair play. How would they like to go before their constituents at the next election and say they had voted away the whole power and control over the inmates of workhouses in their respective localities? No Government would venture to propose such a disfranchising Act for the country at large. But London, having only 22 Members, could be treated as the House and the Government pleased. It was the duty of metropolitan Members to protest, and remind the House of the rank injustice to which it would lend itself if it passed the Bill as it stood. The measure went to the root of that which, in point of franchise, of local power, and local liberty, was older than the House itself, older than the monarchy as it now existed, older than Magna Charta. He held in his hand a summary, that he had made with some care, of the rateable property and the population in London, supposing the town to be divided, for the purposes of an equalization of rates, into three great Unions, retaining elective institutions together with local responsibility. If the President of the Poor Law Board only wanted an equalization of rates or of their incidence, let him constitute an Eastern, a Western, and a Northern division in London. The Eastern division that he himself would suggest would contain the City, Southwark, the Tower Hamlets, and the parish of Hackney, with a population of 967,000, and a rateable property of £5,333,000. Taking the Northern division, with which he was himself connected, and which would include the chief portions of Marylebone, Finsbury, and Hackney, it would contain a population of 947,000, with a rateable property of £4,627,000. The Western division would comprise a population of £950,000, and a rateable property of £5,400,000. If they divided London into those three districts, both as regarded property and population, they would have as nearly as possible £5 per head of rated property taxable for the support of the poor. It was not necessary to disfranchise the ratepayers of the whole of the metropolis in order to secure that boon. They might, if they pleased, make 50 different plans of re-arrangement of London, and still arrive at this conclusion, that if they wanted to establish equality in the incidence of the burden they could have it without subverting the whole administration of the Poor Law. If that were so, there was no case for a Bill of that kind. The measure, as the hon. Member for Colchester (Dr. Brewer) had said, was another step in the same direction of centralization and disfranchisement which they had previously taken in respect to the insane and sick poor and the district schools. Every day's experience made him more deeply regret the fatal error of taking the care of the sick poor out of the hands of their own neighbours. That policy, he believed, would have to be retraced; but, at all events, it ought not to be carried further. He objected to London being outlawed. Did the President of the Poor Law Board think he could have a national rate for the whole of England? [Mr. GOSCHEN: No!] Then he ought not to apply the principle of such a rate in an unfair manner to London, stripping the ratepayers of the duties, the charities, and the privileges with which every other town in the kingdom was charged by the law of the land. What was there in the case of London which rendered its inhabitants less fit to discharge those duties and exercise those privileges than the people of other places? The right hon. Gentleman had had a squabble with the authorities of St. Pancras; but whatever might be thought of the proceedings in that parish, the rest of the metropolis had nothing to do with them. There was no grievance to justify that measure. Would the right hon. Gentleman say he would not abolish out-door relief if he could? He (Mr. W. M. Torrens) believed in his conscience that was really at the root of the present proposal; but he should be delighted to find he was wrong. He had seen statements reported to have come from the right hon. Gentleman, which it seemed could only have that meaning. Certainly the right hon. Gentleman had left the impression on the public mind that this was the first step towards locking the door against the poor. He took power by that Bill to charge 3*s*. 6*d*. for every in-door pauper to the Common Fund. That was to be at the will and pleasure of the Poor Law Board. He also proposed to take power to limit the number of inmates in every workhouse; and he had already power by other Acts that were concatenated with this measure to multiply workhouses. If the Bill passed in its present shape, the President of the Poor Law Board would be master of the whole system of in-door relief in the metropolis, and he would have nothing to do but to multiply the workhouses, and to say that no out-door relief should be given at all. Whatever might be said of a revival of trade, he (Mr. W. M. Torrens) knew that there was still much distress and privation among the working classes of London, and he submitted that this was not a time for decreasing the power of Guardians to give relief. On merely money grounds, he said this measure was most unfortunate; on social grounds he thought it was highly dangerous. Whatever defects existed in the local administration of the Poor Law could be cured by due supervision; but if the Bill were passed in its present shape, every undue power would be given to the President of the Poor Law Board in respect of the metropolis. In this measure an effort was made to treat London in a manner no Minister had ever attempted to treat any other portion of the United Kingdom. After the changes which Parliament had made in the law of chargeability during the last 20 years he hoped the House would resist an alteration like that which was now proposed.

SIR HENRY HOARE said, he rose to tender his thanks to the President of the Poor Law Board for this Bill. He believed the constituency he had the honour to represent (Chelsea) were not afraid to see the principle of the measure carried out, even if they lost some of their local power. The Bill was an equitable one; and he was delighted at the prospect of Imperial authority being applied to the supervision of abuses which hitherto had existed in some districts. Both himself and his Colleague (Sir Charles Dilke) would support the Bill to the best of their power, and he trusted the principle of the Bill would hereafter be extended to out-door relief.

MR. W. H. SMITH said, he regretted to be under the necessity of supporting the Amendment of the hon. Member for Colchester (Dr. Brewer). He should be sorry to give any opposition to a Bill for improving the administration of the Poor Law; but he did not think the Bill would effect that object. It lodged an enormous power in the hands of a Department of the Executive. That power, he had no doubt, would be exercised with discretion, and always with the greatest reluctance; but he thought it would be unconstitutional to give the Poor Law Board the power of compelling a particular district to pay for the maintenance of the poor of another district. The Bill provided that if the Guardians of any parish should neglect to alter or enlarge their workhouse, to construct sewers, to furnish the hospital with proper medical appliances, or to do certain other things which the Poor Law Board might deem necessary, the Board should have power to omit from their precept the sums which such parish would have been entitled to be repaid under this Bill. That section would give the Poor Law Board the power of telling the Guardians that, unless they made what might perhaps be an enormous expenditure, those sums would not be allowed to them. The working of that provision would be that in some cases the power given to the Poor Law Board would be exercised, while in others the sums having been omitted from the precept in the first instance, would subsequently, after considerable correspondence and negotiation, be inserted. He did not think such a state of things would conduce to the improvement of the local administration of poor relief. No doubt there had been considerable evil in some localities; but the object of those who would get rid of it should be rather to raise the character of the local Boards than to diminish their responsibility. He believed that salutary results would follow if the Poor Law Board exercised the power of dissolving a Board of Guardians, when the general feeling was that it acted in a manner injurious to the public interests. When there was a proposal involving Imperial taxation good cause was expected to be shown to the House of Commons, and an estimate was prepared and laid before Parliament. Why should not cause be shown and estimates be prepared in the case of local taxation, which probably was equal in amount to one-half the whole taxation applied for the public service? There had been an enormous increase in local taxation, and the taxation was pressing severely on the country. It might be difficult to estimate the amount which would be required for the relief of the poor throughout the country during any current year, yet that amount equalled the expenditure of the Admiralty, every detail of which was submitted in advance to Parliament; and was it then unreasonable to object that the President of the Poor Law Board should have the power to increase, at his own discretion, charges which were paid out of the local taxation of the country? One effect of this Bill would be to cause the poor to remove from those districts where the rich also lived, and to go to districts where the poor dwelt almost entirely by themselves. At the present time there were many poor persons living in the parish of St. George's, Hanover Square; but the houses which they occupied were rated at about three times as much as similar houses at the East-end of London; and if by an equalized poor rate such tenants were asked to pay three times as much as if they lived in a poor neighbourhood, the immediate result of such a measure must be to send them away from the rich one. Owing to the difference of assessment there was not that inequality which many hon. Members might suppose; while, if there was any perceptional burden at all, it was to a great extent borne by the owners of property. A paper with which he had been supplied showed that the cost of maintaining the poor in London was 9*s*. 5*d*. per head of the population as against 6*s*. 6*d*. per head in England and Wales; and therefore he believed that, if there was to be any equalization of the poor rate, the ratepayers would very soon find out how much they were paying in excess of those districts who sent their poor to the metropolis, so that the result of this measure must be a very large advance towards a national poor rate. Such was not, in his opinion, a proper solution of the question. He would much prefer to see one Board of representatives in London having the management of all the workhouses, together with the infirmaries, lunatic asylums, and schools—a Board which would be strong enough to undertake the important duties that would devolve upon it, and at the same time be responsible to its constituents for carrying out such improvements in the treatment of the poor as ought to be effected. Such a Board would render it unnecessary for the Poor Law Board to be watching over the most minute details of daily life in workhouses, and, under these circumstances, he hoped the right hon. Gentleman the President of the Poor Law Board, would consent at all events to the postponement of this Bill.

Mr. LOCKE said, he had always advocated the equalization of the poor rate, and could not agree with those who were opposing this Bill, the principle of which was to make the maintenance of the in-door poor a charge upon the Metropolitan Common Poor Fund. He could not collect precisely what was the view of the hon. Member for Finsbury (Mr. W. M. Torrens), who had not declared whether he was for or against the principle of the Bill. The objections which had been taken by the hon. Member for Colchester (Dr. Brewer) should, in his (Mr. Locke's) opinion, be brought forward in Committee, when it would be open to him to suggest that, instead of the Poor Law Board having the management of matters under this Bill, there should be established some other body like that which had been suggested by the hon. Member for Westminster (Mr. W. H. Smith) — which would not be contrary to the principle of the Bill—or that the metropolis should be divided into three parts, as had been proposed by the hon. Member for Finsbury. For these reasons he should support the second reading of the Bill.

Mr. T. CHAMBERS said, he was of opinion that the views held by hon. Members respecting the equalization of the poor rate were very much influenced by the character and circumstances of the constituencies they represented. One of the main objects of the Bill was no doubt to extend the principle of an equal poor rate; but that change really meant the total subversion of the original principle of the Poor Law. Such a subversion might be very proper, but it should be effected after due consideration, and with such conditions as would secure the change against the inconvenience and the perils by which all admitted it to be surrounded. He wished he could think that the recent changes in the Poor Law had worked well. The best test of the efficiency of a public office in administering a public fund was economy; but all the modern improvements in our Poor Law system had resulted in extravagance and in an increase of the rates. There was nothing in the history of modern legislation which afforded a parallel to Poor Law legislation; because, while the tendency of all other legislation of late years was in the direction of decentralization, our Poor Law legislation tended to the entire subversion of local self-government, being founded on the principle that those who paid the rates should possess no control over them. But, beyond that, if the Bill were passed, it would entirely put an end to out-door relief, by offering the Guardians a bounty of 6*d.* a day from the Common Fund for every in-door pauper. Such a result would be most disastrous to the honest and independent poor, who only required temporary relief during temporary distress, while it would conduce largely to the multiplication of workhouses in the metropolis and the increase of the rates. In the third place, the Bill would extinguish the Boards of Guardians altogether. In sub-Section 4 of Clause 1 it was proposed to enact that—

> "If the Guardians of any Union or parish, or the managers of any asylum, shall, during any half-year ending at Lady Day or Michaelmas respectively, have refused or neglected to comply with any Order of the Poor Law Board, issued under the Poor Law Acts, directing the alteration or enlargement of the workhouse, the provision of proper drainage, sewers, ventilation, fixtures, furniture, surgical and medical appliances, or directing the appointment of any officer, or prescribing the maximum number of paupers to be maintained in any workhouse or asylum, or the classification of such paupers, such Guardians or managers shall be deemed to be in default."

If this paragraph were agreed to, not the slightest discretion or power would be left to the Guardians, whose duties would become purely ministerial, if they were not compelled servilely to follow the orders of the central authorities. On these grounds he objected to the measure as he had objected to other measures of the same kind passed by both Liberal and Conservative Governments. The metropolitan Members were in a very small minority, and hitherto their objections to measures of this kind had been without effect; but, nevertheless, he again entered his protest against the current of legislation upon this subject, which he believed to be mischievous and disastrous, as tending to increase the burdens of the public without adding to the comfort of the poor, while it brought local bodies into contempt. So far had this gone already, that he wondered any gentleman could be got to accept the office of Guardian.

MR. ALDERMAN LUSK said, that every hon. Member who had spoken upon this subject had admitted the necessity of the adoption of a better distribution of the poor rates of the metropolis; but they had failed to suggest any plan which was an improvement upon that proposed by the Bill. No one would contend for a moment that it was just that the poor in the East of London, who worked for those who lived in the West, should bear the burden of supporting their poor while the rich wholly escaped from it. The leading principle of the Bill was to equalize the rates, and he did not see how it was possible to attain that object in a better way than that proposed by this measure. London, with its 3,000,000 or 4,000,000 of inhabitants, was an exceptional place, and required exceptional legislation, and he thought the Bill was a step in the right direction. As he saw no better method of dealing with the question than that proposed by the Bill, he should support the Motion for the second reading of the measure.

MR. GATHORNE HARDY said, he was not able to agree with the hon. Member who had last spoken in his desire to seen an absolute equalization of the poor rates of London. Having made that preliminary observation, the fact of his supporting the second reading of this measure would not be misunderstood. His difficulty had been to understand why, at so early a period after the recent important changes that had been made in the Poor Law, the right hon. Gentleman at the head of the Poor Law Board should have thought it necessary to proceed as far as he had done in this direction. The effect of the Bill of 1867 had been to cause an increase in the charges on the Common Fund, which had mounted from £130,000 or £140,000 to about £200,000 per annum. As he understood from the speech of the right hon. Gentleman, he proposed that about half of the charges should fall upon the Common Fund; and, assuming that careful management was to be combined with this division of the charges, he should not offer any opposition to such a proposition. He must strongly urge the importance of putting some check upon those who used the Common Fund; the claim upon the Common Fund should be fixed at a sum which would, under no circumstances, form the full charge for each pauper—not even in the case of a supposed extraordinary cheapness of provisions, so that there should be something remaining for the local body to provide, and thus to ensure that the local body was economical and reasonable in its demands. The objection raised to one portion of the Bill by the hon. and learned Member for Marylebone (Mr. T. Chambers) showed some ignorance of the duties of Guardians. The provisions in the latter part of the 1st clause, giving the Poor Law Board power to stop contributions in case the Guardians should not have done their duty, did not exact more from the Guardians than was at present incumbent on them; the novelty of the measure consisted in the fact that, just as the power of the purse was used in the House of Commons to compel a great many things to be done, so the Guardians were by the same power of the purse compelled to do some things they had in some instances failed to do most egregiously. While justice was being done to the ratepayers, some surety should be taken that the Guardians should be efficiently controlled by more expeditious means than a tedious law-suit. The means the Bill proposed was the power of the purse, and he trusted that, in Committee, the amount fixed on as that to be given to the Guardians would be so far short of the charge each pauper entailed as to oblige the Guardians to study economy.

MR. HARVEY LEWIS said, the Bill would lodge immense power in the Poor Law Board; but, without a most expensive supervision, they would not be able to carry out the object in view. It had also been objected to the measure that the 3*s.* 6*d.* a day was a premium upon in-door relief, and likely to lead to a considerable increase of expenditure. Great alarm was felt that this was an attempt to abolish out-door relief in the metropolis, and that by the addition to the rates, which would result from such a system, many poor ratepayers who now had great difficulty in meeting the demands upon them, would themselves become recipients of parochial relief.

Mr. GOSCHEN said, he had no reason to complain of the reception the measure had met with at the hands of the metropolitan Members; though some had spoken against the Bill as many had supported it; and the chief argument against it was based on a misconception of its provisions. There was no intention on the part of the Poor Law Board to take the administration of the workhouses into their own charge, and he was unable to divine the meaning of the hon. Member for Finsbury (Mr. W. M. Torrens), when he said the Bill would create a considerable amount of patronage for the Poor Law Board. There was not a single line in the Bill justifying this presumption; and the right hon. Gentleman opposite (Mr. Gathorne Hardy) had met another argument when he explained that the 1st clause gave the Poor Law Board nothing more than an easier and more sure way of enforcing orders it was at present obliged to give, with reference to the enlargement, alteration, or ventilation of workhouses. The truth was, the Poor Law Board not only had power to direct proper drainage, sewers, ventilation, furniture, and other matters of that kind, but were responsible for seeing those schemes carried out. All that the Bill proposed was that, in place of proceeding by *mandamus* from the Court of Queen's Bench for the enforcement of their orders, they should be able to exercise, to a certain extent, the power of the purse. The House had to determine whether the Poor Law Board should be longer invested with sham powers, than which, for his part, he could conceive no greater calamity; or, whether it should have the means of enforcing the orders other Acts of Parliament gave it authority to make. Often, when revelations of mismanagement had occurred, it was said—"Why does not the Poor Law Board interfere and remove the abuse?" The Poor Law Board did interfere. The Inspectors reported the cases to the Board, and the Board put themselves into communication with the Guardians; months, however, elapsed without anything being done, because the Guardians refused to carry out the orders of the Board. His hon. Friend the Member for Finsbury (Mr. W. M. Torrens) had asked him to state frankly his motive in introducing the Bill. The motive was indicated by its title—"A Bill to provide for the equal distribution over the Metropolis of a further portion of the Charge for the Relief of the Poor;" and, if the hon. Gentleman only knew what complaints were made in the East-end of London, and what pressure was put upon the Poor Law Board whenever they sought to secure the amount of workhouse accommodation which they deemed indispensable, he would fully understand why they deemed it their duty to meet that urgent need. The right hon. Gentleman opposite (Mr. Gathorne Hardy) had asked why the Bill was brought in at the present time. There was a very simple answer to that question. In certain parts of the metropolis the overcrowding of workhouses had for some time past been so great that it was impossible to allow it to continue; but, at the same time, the rates were so high that they could not expect poor localities to build fresh workhouses or increase the accommodation in those that existed, unless compelled. Last year, in a Bill dealing with other matters connected with metropolitan poor relief, he proposed a clause under which the expense of building workhouses would have been charged upon the Common Fund, and that proposal not having been accepted, he now endeavoured to meet the difficulty by a proposition that the in-maintenance should be charged upon the Common Fund. The hon. Member for Finsbury (Mr. W. M. Torrens) had proposed, as an alternative plan, that the metropolis should be divided into three large Unions, and had shown that the rateable value and the population would be nearly the same in each of the three groups he suggested. The hon. Member had omitted, however, to state whether the amount of pauperism and expenditure would be the same in each of the groups. It might happen that the Western and Northern divisions, with the same rateable value, would have a much smaller number of paupers to maintain than the Eastern division. There would also be a great difficulty in carrying out the plan, because the proposed Unions would be too large to be able to control the out-door relief;

for while it was perfectly true that, as regards in-door relief, the larger the areas were the better, on account of the increased means of classification, yet, on the other hand, if the Unions were beyond a certain size for the purposes of out-door relief, a great danger would result from a total equalization of the poor rate, unless there were some central control. He would now advert to the question raised by the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy) respecting the sum fixed in the Bill. The hon. Member for Finsbury (Mr. W. M. Torrens) had asserted that the Poor Law Board prescribed the actual amount that was to be given in relief. In point of fact, the Board did nothing of the kind. They only stated the sum which might be incurred, and the Bill would not enable them to interfere more than they did at present with respect to the amount to be spent upon each pauper. The right hon. Gentleman, however, complained that 3*s.* 6*d.* a week was too much, and he entirely agreed with him that a margin ought to be left. Indeed, in the course of the remarks he (Mr. Goschen) made in introducing the measure, he stated it was the portion of the plan that a margin should be left in order to secure economy in the administration. If it were thought that 3*s.* 6*d.* was too high, he should be quite prepared to consider in Committee the propriety of reducing it. To meet the contingency of the sum named proving too high or to low, a clause had been inserted in the Bill to the following effect:—

> "At any time not earlier than *three* years from the passing of this Act, or the issuing of any General Order under this section, the Poor Law Board may from time to time, if they shall deem it necessary, by a General Order addressed to the Guardians of all the Unions and parishes in the metropolis, fix a greater or smaller sum than sixpence a day to be repaid for every such pauper as aforesaid; but no order under this section shall take effect until it shall have been laid before both Houses of Parliament for the space of six weeks."

The object of that clause was to meet the difficulty of 3*s.* 6*d.* a week proving to be too high or too low in the future as compared with the price of provisions. The hon. Member for Finsbury had treated that clause as if it asked for further powers for the Poor Law Board, but he was wrong in his supposition. In introducing the Bill, he had stated that at least £90,000 would still have to be contributed by the local authorities, or, in other words, that the amount of 3*s.* 6*d.* per week multiplied by the number of paupers would fall short of what was at present required for in-door maintenance by £90,000. He would now refer to the alleged tendency of the Bill to encourage in-door at the expense of out-door relief. The hon. Member for Finsbury had challenged him on that point, and had asserted that he (Mr. Goschen) desired to stop out-door relief as far as he could, and to substitute in-door relief for it. He would frankly admit that the object of the Bill was to meet the difficulty of obtaining that amount of in-door accommodation which was absolutely necessary, unless the overcrowding which had led to such deplorable results was to be allowed to continue. At the same time he was perfectly willing to inform the hon. Member that he thought if they could put in-door maintenance on a fairer footing as compared with out-door maintenance, we should diminish pauperism in the metropolis. It was among the out-door poor that most of the abuses arose, and the great increase in pauperism was attributable in great part to the insufficient means which existed of testing the applicants for out-door relief. There was very great hope, therefore, that by making it more easy for the Guardians to apply the in-door test they might expect to diminish the amount of pauperism in the metropolis. At present they could not possibly sweep a larger number of paupers into the workhouses, because nearly every bed was occupied. There were never 1,000 empty beds in all the workhouses of the metropolis. If, then, that should happen which some hon. Members were afraid of, and in-door was substituted for out-door relief, what must be done? It would be necessary to build. The cost of building, it should be borne in mind, would devolve upon the Unions themselves, as it was not placed on the Common Fund by the provisions of this Bill. Therefore, if the abuse arose which some hon. Gentlemen feared, it would be necessary for the Unions who wished to extend in-door relief to build new establishments. Now, to build a workhouse for the accommodation of 500 inmates would cost upwards of £30,000, and, taking into account the payment of interest, the cost of furniture and repairs, rates and taxes, and other items not placed on the Common Fund, a charge would be imposed amounting on an average to 2*s.* a head per week, the average cost of out-door relief being at present only 1*s.* 6*d.* Although, therefore, the Bill made it easier for Guardians to build if necessary, it did not give them such an intense inducement to substitute in-door for out-door relief as some hon. Gentlemen imagined. In point of fact, the Bill would ease all in-door relief and place it on a more equal footing with out-door relief, with great advantage to the ratepayers; because a better test would be applied to a portion of the out-door relief, though not in such a sweeping manner as had been anticipated by some who had taken part in this discussion. He trusted he had now satisfactorily answered all the objections against the measure; and, in conclusion, he would express an earnest hope that it would be allowed to pass into law.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Thursday.*

BRIDGWATER AND BEVERLEY DISFRANCHISEMENT BILL.—[BILL 98.]

(*Mr. Attorney General, Mr. Solicitor General, Mr. Secretary Bruce.*)

SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL, in moving that the Bill be now read a second time, said, he must enter into an explanation of its provisions, as he had not done so on the introduction of the Bill. The course which it was proposed to take in this Bill was entirely in accordance with precedent. That House had over and over again acted upon the Reports of Commissions which had been appointed, in pursuance of Addresses to the Crown, to inquire into the existence of corrupt practices at elections, and Parliament had disfranchised boroughs in which such practices had been proved to have extensively prevailed. He need not in support of that statement go further back than the Reform Bill of 1867, by which four boroughs were disfranchised on the Reports of four Commissions, and on the provisions of which the present measure was entirely framed. Commissioners having been appointed, at the request of the House, to inquire into the existence of corrupt practices, it would be impossible to disregard their Reports without giving rise to the impression in the country that it was not in earnest in its endeavour to secure purity of election. Indeed, it would be a mere farce to appoint such Commissions at all, unless some action were to be taken upon the Reports which they furnished. As to the particular Commissions to whose Reports he was now about to invite attention, he must observe that the House was no less indebted to them than to previous Commissions; for, although he was aware that some sneers had been indulged in at their expense, although it had been said that they were composed of men of no eminence at the Bar, but of mere Quarter Sessions' barristers, he could state that they had been presided over respectively by two of Her Majesty's Counsel and by a learned Serjeant, each of whom was well known in Westminster Hall, and each of whom was among the leaders of his circuit; while, with regard to the junior members of the Commissions, he could inform the House that they were all, without exception, men of ability, and men either eminent or rising to eminence in their profession. With those few words he would pass by remarks which did not show either correct information or good taste on the part of those by whom they had been made. The Reports of those Commissions were very valuable documents, and contained a great mass of information, which had been arrived at with great difficulty and after enormous labour, proving that the Commissioners were determined to penetrate through all the shams and disguises which it was sought to impose upon them, and to arrive at the real truth. It was, indeed, he believed, mainly on account of the thoroughness of their inquiries and the comprehensive nature of their Reports that they had incurred a good deal of odium in those boroughs which were now not unnaturally inclined to struggle to prolong their corrupt existence. He would, without further comment, call the attention of the House to the Reports of the Bridgwater and Beverley Commissions. That of the Bridgwater Commission went a long way back. The Commissioners said—

"But, even so, we have obtained quite enough evidence to justify us in reporting to your Majesty that there is much reason to believe that in Bridgwater, within the present century at least"—they do not go beyond that—"no election has ever taken place except under the influence of practices which, not only by the *Lex Parliamenti*, but by the common and statute law for the time being in force, were corrupt and criminal practices, and lawfully punishable as such."

Whether in those good old times to which the hon. Member for Leicester (Mr. P. A. Taylor) had invited attention, when Members of Parliament were paid by their constituents, there were pure elections at Bridgwater was matter of antiquarian interest. It was enough to say that a pure election in that borough within the memory of any man now living was a thing unknown. The Commissioners gave a short summary of the various elections which had been held there since 1832, and the history was not very interesting, inasmuch as it was somewhat monotonous, disclosing, as it did, one unvaried system of bribery and corruption. The Report went on to say—

"It is always three-fourths, at least, of the actual constituency who are said to be hopelessly addicted to the taking or seeking of bribes, and who show by their conduct that the imputation is well deserved; while, of the remainder, a very large part, perhaps by far the largest, are addicted to the giving or offering or negotiating of bribes."

He would now come to the last election but one—the election of 1866—when there was a single-handed fight between two gentlemen whose names he did not think it necessary to mention. In that contest one of those gentleman had spent £6,000, the other upwards of £5,000, while the expenses returned through the election agents were only somewhat about £300 or £400 each. He should pass in the next place to the last election, and undoubtedly what had been alleged by some of the inhabitants of Bridgwater was true—that there had been less actual bribery at that than at previous elections. That such had been the case, however, had arisen from an exceptional state of circumstances. One of the parties—the Conservative—determined not to bribe, a resolution which did them great honour, and which enabled them to do that which they had not been in a position to do for some time before—to petition with clean hands and expose the corrupt practices on the other side. On that side also the bribery had not been so great at the last election as on previous ones, but it had been sufficient to win the election; as much treasure was expended as was sufficient to produce the required result, the rest they kept in their pockets. They got down from London, made up in bales or in packages, 1,500 sovereigns, and arranged for 1,500 more to be put down by the other candidate; but there having been no corruption on the part of the Conservatives, there were a great many voters who were not to be bought, because they were not wanted, and the price of the article somewhat declined owing to the demand not being so great as usual. The consequence was that not more than £500 was, he believed, actually expended, the rest being sent back to London. He would now read to the House a short extract from the Report of the Commissioners. They said—

"We think it not out of place to state for your Majesty's information that we considered it a part of our duty to inquire of those persons whom we considered best qualified to judge how far in their opinion the extension of the franchise under the last Reform Act had operated towards the purification of the borough. We regret to state that in answer we were told that whereas before 1868 the number of voters was about 600, of whom 50 at most would take no part in corrupt practices, at the present time at least two-thirds of the new voters were of a class who are always amenable to money considerations, and that the old voters remained much as they were before. Mr. Barham, indeed, than whom no one was more qualified to judge, stated that when he came into the town on the morning of the election he saw hundreds of the new voters standing about in the cattle market like cattle themselves, waiting for the highest bidder. Out of the number of voters bribed for Messrs. Kinglake and Vanderbyl, 34 were members of the Conservative Working Men's Association, and the entire number of them had actually promised their votes to Messrs. Westropp and Gray—"

Those men, it appeared, had added the offence of desertion to that of bribery.

"We cannot, therefore, say that with the extension of the suffrage there is any improvement in the moral condition of the borough."

The inhabitants of Bridgwater in their Petition endeavoured to set up a case of "improvement" in consequence of the extension of the suffrage; but the plea was one which could not, in his opinion, be admitted. It was too much to expect that a few new voters, who were at the same time old inhabitants of the borough, and who had been brought up with the idea that the franchise was a right which might be bought and sold, would have their preconceived notions on the subject suddenly altered by the conferring of electoral privileges. The Commissioners were, therefore, in his view of the matter, perfectly justified in saying that the extension of the franchise made no good case for the borough, and such as he had mentioned were the grounds on which they recommended that it should be disfranchised. He next came to the case of Beverley, and he thought it right to observe that in any remarks which he might deem it to be his duty to make on the character of that borough, he should carefully avoid saying anything which might be regarded as in the slightest degree to prejudice the criminal trials in connection with it which were now pending. The House was aware that there were two kinds of liability of a Member for the acts of his agents—the one a civil liability involving the loss of his seat, the other a criminal liability subjecting him to a prosecution, and to be established by a different class of evidence. Sir Henry Edwards had already been visited with the former liability by the decision of a Judge; whether the latter liability should be established against him it would be highly improper in him to assume. But, be that as it might, the case against the borough itself remained the same. The Beverley Commissioners did not go so far back as those of Bridgwater—into remote antiquity; but they went back, nevertheless, he believed sufficiently far, and he would read a short extract from their Report, which showed the character of the borough pretty clearly. They said—

> "We found that in all the elections from 1841 to 1868, inclusive, with the exception of the by-election of 1854, in which the borough manifested but little interest, bribery, and other corrupt practices prevailed; in some, extensively, openly, and systematically, and in others in various disguises and under different pretexts, such as payments for colourable services and moneys given to out-voters as travelling expenses; but at every election a considerable portion of the constituency expected or received a money consideration for their votes in some shape or another. From the statements of witnesses well acquainted with the electoral statistics of the borough, and with the political conduct and ways of thinking of different sections of the electors, we find that out of a constituency of something over 1,100, at the date of the 'Representation of the People Act, 1867,' about 800 were open to bribery and other corrupt influences, there being in the constituency a body of about 300 without political principles, or political likings or dislikings of any kind, locally known as 'rolling stock,' and about 250 others on either side, who, if money were going, expected to be paid, and would not vote unless they were paid, or received some assurance that they would be paid after the election. They appear to claim the usual money payment for a vote as a right from the candidate of their own colour, and only look upon it as a bribe when they accept it from the candidate of a different colour. The calculations we have made in respect of the sums admitted to have been expended by the candidates in various ways in the elections of August, 1857, 1859, 1860, and 1865, and the number of votes polled respectively on their behalf, suggest and support the inference that not less than two-thirds of those who voted at each of these elections had either received or been promised money for their vote."

He would next quote an authority which he thought would have some weight with hon. Gentlemen opposite. It was that of Sir James Walker—a Conservative gentleman of very high character—whose son was a candidate, he thought, at the election of 1865. Sir James Walker said—

> "The system of corruption and bribery at Beverley had been going on time out of mind, and to an extent that it was impossible to arrest or counteract."

Such, then, was the general character of the borough. But within the last ten years or more the system of corruption had been organized at Beverley in a very peculiar manner, the two principal agents by which it was organized being—the one Mr. Wreghitt, a draper in the town, who had acted as agent for Sir Henry Edwards, and the other a Mr. Cronhelm, the clerk and cashier of Sir Henry Edwards. Mr. Wreghitt appeared to be an electioneering genius; he reduced into shape what might be called the chaotic elements of Beverley corruption, and formed it into one harmonious system; his powers of organization were altogether irreproachable. Attempts had been made from time to time by the Liberal party to counteract Mr. Wreghitt and bribe against him. The Liberals acted with great vigour and spent a good deal of money; but their efforts had been desultory, ill-conceived, and clumsy; and their authors proved no match for the more artistic corruption of Mr. Wreghitt. He might here mention that Mr. Wreghitt and Mr. Cronhelm—the latter of whom supplied the former with the money necessary for his operations—had the presence of mind, just before the Commission sat, to destroy all documents and papers which could throw any light upon election matters, and they did so by the advice of a gentleman in London, than whom, he was bound to say, no person was better qualified to form an opinion on a question of that kind. The Commissioners described the manner in which Mr. Wreghitt went to work, and it was really very curious and interesting. They said—

> "There was also in Beverley a body called the 'Working Men's Conservative Association,' that had been instituted under the auspices of Mr. Glover, and consisted principally of freemen; and in accordance with the arrangement between Major Edwards and Wreghitt, previously mentioned, this association was in a short time brought under Wreghitt's influence and control. He was appointed chairman, and contributed to its funds from moneys he had received for general election purposes. Immediate action was also taken, in pursuance of the same arrangement, to eject the Liberals from the Town Council and replace them with Conservatives; and with that view it became a settled plan of action between Major Edwards, Wreghitt, and the candidates for the Town Council, that at every municipal contest Wreghitt should supply the funds that might be deemed necessary to secure their return; and, accordingly, the practice of purchasing votes at these elections became general and systematic. The result of that constant expenditure manifested itself in the fact that, from 1859 to 1869, the supporters and partizans of Sir Henry Edwards obtained and exercised an almost absolute control and mastery in the public and municipal affairs of Beverley."

The freemen of Beverley, by some old gift, possessed a certain right of depasturing their cattle, and certain pasture-masters were appointed by the Town Council; and those pasture-masters distributed the pasturage to the freemen, and in order, therefore, to obtain the freemen it was desirable to secure the pasture-masters. The Commissioners said—

> "A similar line of action was pursued at the annual elections of pasture-masters; but with respect to them Wreghitt's use of the funds at his disposal brought about earlier and more decisive results, for in 1860 all the pasture-masters were Conservatives, and the only change that took place in the constitution of that body from 1860 to 1869 consisted in the removal of some of the more moderate, and the substitution of others who had been more active and unreserved in their manifestations of partizanships."

But the operations of Mr. Wreghitt did not end there. There was a certain Beverley Iron and Waggon Company (Limited), which, by the genius of Mr. Wreghitt, was converted into an electioneering agent. The Commissioners summed up the result of Mr. Wreghitt's masterly operations in this way—

> "Sir Henry Edwards and Mr. Sykes entered into the contest of July, 1865, under the most favourable auspices. The institutions of the borough had, to a great extent, been brought under Wreghitt's influence; he had succeeded, by the means taken to extend and strengthen the Conservative interest in the borough, in establishing the personal and political ascendancy of Sir Henry Edwards. Magistrates and aldermen, town councillors and pasture-masters, bankers and tradesmen, were working with Wreghitt, and for the same ends. He had been unceasingly labouring for eight years to extend and widen the sources of corruption throughout the borough, and prevent freedom of choice in all the local elections. The Committee of the Working Men's Conservative Association were his nominees and helpers; and, as subsequent events showed, the manager, the secretary, and the foremen of the different departments of the Iron and Waggon Company, as well as the labourers employed under them, became either recipients or dispensers of the moneys that came through him. Men in highly respectable positions as tradesmen owed their seats in the Town Council to the moneys he had provided; all the pasture-masters were in the same condition of dependence."

A more complete description of a series of successful electioneering manœuvres was probably never presented to the House. He now came to the election of 1865. On that the Commissioners said—

> "Above 1,100 voters were polled at that election; and, considering the moneys expended in bribery on either side, and the rate at which the voters were paid, we have come to the conclusion that not less than 800 of those who voted had accepted bribes from one side or the other, some from both."

The learned Judge who tried the Beverley Election Petition and the Commissioners also came to the unhesitating conclusion that at the municipal election money was given to many for what was called "the double event"—that was for both the municipal and the Parliamentary contest, between which a few days intervened. And where the municipal election was made a party contest, a voter naturally would not change his colour at the ensuing Parliamentary election, provided always that some stronger temptation was not offered to him by the other side. Thus, in the opinion of the Commissioners, the corruption at the municipal election was not only prior to, but intended to influence the voters at the Parliamentary election. The Commissioners reported to this effect, that at the municipal election—at which the votes were comparatively cheap, or about £1 per head—a Mr. Norfolk spent the sum of £800, and it was very remarkable that he got that sum, or a large part of it, from a certain bank in Beverley at which he had no credit. He also appeared to have expended about £150 that he had received from Mr. Wreghitt, who again had received it from Mr. Cronhelm. The Commissioners had come to the conclusion, from the money spent and other circumstances, that at the late election about 1,000 or 1,100 persons were bribed; and he regretted to say that a great many of these persons were new voters, for he was afraid there was no reason to suppose the new voters in Beverley were less corrupt than their brethren at Bridgwater. It had been urged that as only 327 voters had been scheduled as having been bribed—that was to say, 327 had been actually found out—therefore Beverley ought to be allowed to remain a Parliamentary borough. As he was informed, the Commissioners went on calling witness after witness until they got the names of those 327; and when they had reached that point there they stopped, although they might have gone on accumulating similar evidence if they had liked. He would conclude his observations on this part of the case by reading the following paragraph from the Report of the Commissioners:—

> "The municipal contest, in which bribery had been so undisguisedly and extensively practised, was treated as a prelude to the Parliamentary election, if not as a part of it; and the bribes were given, and in many cases received, as an earnest of what was to come. But we experienced great difficulty in discriminating, in individual instances, between those who took bribes for the municipal election only, and those who, to use a local phrase, took them for the 'double event.' The large extension of the franchise under 'The Representation of the People Act, 1867,' made the municipal roll nearly identical with the Parliamentary register, within the limits of the municipal boundary; so that it was reduced almost to a certainty that the man who voted under the influence of a bribe in the council choosing would also have a vote in the election of Members of Parliament."

These were the two cases which he had to lay before the House—the cases of two boroughs whose characters he believed had been tolerably well known to most hon. Members for a very long time, boroughs in which learned Judges had reported that corrupt practices extensively prevailed, their Reports having been confirmed by Commissions which had instituted more complete inquiries. He ventured to think that these boroughs were scarcely, if at all, inferior in corruption to any of those boroughs which were formerly disfranchised. It was, indeed, stated that in Totnes every man was bribed; but the House had dealt with other cases in which there had been a "rolling stock" of 200 or 300 voters who could take £1 from one side, £2 from the other side, and would sometimes vote according to their consciences after all. The House had invariably dealt with boroughs of which these things were reported in the way in which it was proposed to deal with these boroughs; and he, therefore, moved that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General.*)

Mr. NEVILLE-GRENVILLE said, that early in the evening he presented a Petition from Bridgwater praying that the House would pause before it resorted to the extreme measure which would be dealt out by the passing of this bloodthirsty Bill, and he trusted that, as a country gentleman, living in the neighbourhood of Bridgwater, but not representing the division of the county in which it was situate, he should be allowed to express his opinion that Bridgwater, notwithstanding all that the Attorney General had said about it, was not as black as it was painted. He would remind the House that this was the first time since the reign of Edward I. that Bridgwater had not had two representatives of its own to stand up for it in this House. He would not go so far back into the history of the borough of Bridgwater as the Attorney General had done; but he would go so far as to say that from 1832 to 1868 Bridgwater had deserved all that the hon. and learned Gentleman had said of it, and for one he would not have opposed its being scheduled with Yarmouth, Totnes, and other boroughs in the Reform Act. But, bad and corrupt as the borough might have been, we were not content with the Bill of 1832, and were in hopes that the measures of 1868 would have a beneficial effect upon the constituencies of the country. It had the effect of doubling the constituency of Bridgwater, and, as regarded the last election, instead of its being reported that extensive corruption prevailed, only 3 per cent. of the constituency was proved to have been bribed. In order to obtain the names of the 57 men who were scheduled as having been bribed at the last election, Bridgwater had to submit to a searching inquiry; and, notwithstanding that the learned Gentlemen whom the Attorney General depicted in such glowing terms devoted 47 days to the inquiry, and asked 47,500 questions, at the expense of the ratepayers of Bridgwater, they were able to discover only 57 voters who had been bribed. In their Report the Commissioners said,

> "We regret to state that in answer we were told that whereas before 1868 the number of voters was about 600, of whom 50 at most would take no part in corrupt practices, at the present time at least two-thirds of the new voters were of a class who are always amenable to money considerations, and that the old voters remained much as they were before. Mr. Barham, indeed, than whom no one was more qualified to judge, stated that, when he came into the town on the morning of the election, he saw hundreds of the new voters standing about in the cattle market, like cattle themselves, waiting for the highest bidder."

Upon what authority did the Commissioners make the statement that the new voters belonged to a class always amenable to money? To say so was a reflection upon the House for passing the Reform Bill of 1868. The Commissioners ought to have given a marginal reference to the evidence on which they founded this assertion. Upon what ground did Mr. Barham make the statement imputed to him, which was merely an opinion of his own? At a contested election were there not always men loitering about without any idea of taking bribes? There was no evidence to prove that two-thirds of the voters of Bridgwater could be bribed. Notwithstanding the magnitude of the Blue Book containing the evidence, which no hon. Member could have waded through, there were many questions put by the Commissioners which were conspicuous by their absence. Not only were the Commissioners Judges and jury and counsel for the prosecution, but they were often Court jesters, and the remarks they made were such as no constituency ought to be exposed to. One witness was asked by the Chairman whether Mr. Kinglake was as long winded in his style of speaking, and as long coming to the point, as he was in his writing. Mr. Trevor, the Conservative agent, was asked whether he had been offered the dignity of knighthood for his party services like Sir Something Drake. A baker named Bowring, was asked whether he was any relative of Sir John Bowring. Another witness was told he appeared to be a kind of monarch of all he surveyed—a remark which called forth a remonstrance. At the close of his examination Mr. Westropp was told he had better go and see to his old woman. A gentleman named Kitch was asked—"Is your name John Ketch or John Kitch?" Another person was told that they would not waste any more time upon such a fellow, to which he replied that he was no fellow; but he was lucky enough to escape the fate of Mr. Simmons, who was fined £50 for a similar reply, to which there had been a similar provocation. He feared that the House agreed with the Attorney General in his blood-thirsty notions respecting these two boroughs, and he regretted it; but he hoped that the House would postpone dealing with the cases until the Motions of the right hon. and learned Member for Newcastle (Mr. Headlam) and the hon. Member for York (Mr. J. Lowther) were disposed of, and until pending trials in Yorkshire, which might be influenced by the determination of the House, had been held. He certainly did not see any necessity for hurry; he did not see any prospect of an immediate Dissolution; and both the Government and the Opposition had too much to do without participating in a general scramble for the four seats that would be at the disposal of Parliament if this Bill passed. He hoped, therefore, the measure would be postponed until hon. Members had had more time to consider the Reports of the Commissioners, the evidence upon which they had based their conclusions, and the manner in which that evidence was obtained, before it condemned places that had sent Members to this House from the earliest time.

COLONEL STUART KNOX said, the Attorney General, although he took credit for having said nothing on the introduction of the Bill, pledged himself on that occasion to deal with the two boroughs separately in different clauses, and yet both were disfranchised together by the 1st clause of this Bill. The hon. and learned Gentleman had taken trouble to throw dirt upon the pasture-masters and others of Beverley; but it was fair that men who had been scheduled by the Commissioners should have fair trials, and he did not think that would be possible if this Bill were passed before the trials were heard. If the Bill passed, how could Sir Henry Edwards have a fair trial, for it would appear that he had been convicted by Parliament before he had been put on his trial before a jury of his countrymen. He trusted the Goverment would see the justice of postponing the Bill until after the trial in Yorkshire, and he would therefore move, as an Amendment, that the Bill be postponed for three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Colonel Stuart Knox.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. NORWOOD said, he concurred in thinking that it would have been better if the Bill before the House had been divided into two parts, for he thought that the cases of Bridgwater and Beveley stood on distinct grounds. The Attorney General, in his voluminous Bill of indictment against the two boroughs, laid great stress on the fact that actual bribery had occurred at the last election for Bridgwater. Nothing of the kind, however, was alleged by the Commissioners who inquired into the affairs of the borough of Beverley. He did not mean to deny that on former occasions open bribery had been practised, but he maintained that there was not an iota of evidence in the Report of the Commissioners to the effect that bribery was practised there in 1868. What the Commissioners alleged was that there was bribery at the municipal election which occurred before the Parliamentary election, but there was no evidence in the Report of the Commissioners showing a connection between the bribery on one occasion and the vote on the other. ["Oh, oh!"] The Commissioners stated that there was great reason to believe that the payments made during the municipal election were made with the view of influencing the Parliamentary election, but there was no proof bearing out that view; and when, upon a Bill of a penal character like the present, hon. Members were called on to act as judges, they ought to weigh with judicial calmness the evidence on which their verdict was asked. In 1867 a Reform Bill was passed which had the effect of doubling the constituency of Beverley. The number of electors had been about 1,000, but, in 1868, the constituency increased to 2,100. Now, he maintained that the argument of the Attorney General as to the former iniquities of the borough ought not to weigh with the House, because a new constituency was now being dealt with. The hon. Gentleman opposite (Mr. Neville Grenville) had said that the inquiry with respect to Bridgwater was most severe, and certainly he (Mr. Norwood) thought that much had been done by the Commissioners that ought not to have been done, and that their zeal sometimes outran their discretion. In like manner the Commission at Beverley was most severe, and what was the result? About 1,900 electors recorded their votes, and only 327, after all the scrutiny of the Commissioners, were scheduled. The bribery alleged occurred entirely at the municipal election, but there were 677 Parliamentary voters who were not municipal voters, and many Parliamentary voters who had votes for the municipal election did not take the trouble to record them. Whatever the past iniquities of Beverley might have been, he thought he had made out a case showing that at the last election there had not been gross systematic bribery, nor, indeed, was there any proof of bribery at all at the Parliamentary election. It was not his wish to palliate the horrid system of bribery, but he again impressed on hon. Members that they were now asked to disfranchise a large number of the new electors to whom the franchise was given in 1867. There was one argument he would address to the right hon. Gentleman at the head of the Government, at whose hands they were to obtain the Ballot. That measure was to render bribery impossible; and so, if the Government had granted the Ballot some years ago, Beverley never would have sinned afterwards, even at the municipal election, and there would have been no occasion for the present Bill. He repeated that the cases of Bridgwater and Beverley were distinct; and he thought a proper example might have been made of both boroughs without pushing matters to such an extremity as was proposed by the present Bill. He must say a word with regard to Sir Henry Edwards, a gentleman who sat on the opposite side of the House to that where he himself sat. That gentleman was going to be tried for bribery, and was thus threatened with pains and penalties. His case was to have been tried at the last Assizes for Yorkshire, and it was no fault of his that it was not then tried. He had attended before the Commissioners for the sake of exculpating himself; but the Commissioners declined to hear his evidence, remarking that his case was too severe, and that he must be prosecuted. But by the 3rd clause of the present Bill he would, in consequence of being scheduled in the Report of the Commissioners, be treated as guilty of bribery before his trial came on.

Mr. BROADLEY said, that he was a voter both for the municipal and Parliamentary elections at Beverley. The Commissioners themselves said that no bribery or illegal payment or conduct whatever took place at the last Parliamentary election; but that there were payments made at the municipal election which had operated upon the Parliamentary election which took place 15 days after. He submitted that the Commissioners had failed to connect the municipal with the Parliamentary election; and he asked the Attorney General whether, having sifted the evidence before the Commissioners with his accustomed acuteness, he could say that the connection between the two elections had been made out. Many of the municipal voters, 157 in number, had received bribes, and they voted at the municipal election as they were bribed—for the Conservatives; but at the Parliamentary election everyone of those 157 men voted the other way. He therefore maintained the connection between the two elections had not been proved; and it was exceedingly hard that such severe measures should be taken without its being established beyond all dispute that the municipal election did influence the Parliamentary election.

Mr. WEST said, he was not going to say a word about Bridgwater, except that all must regret the manner in which the inquiry there was conducted; but he could not help saying that the hon. Member for Hull (Mr. Norwood) had fallen into an error when he said that there was no evidence of any bribery having taken place at the last Parliamentary election for Beverley. Mr. Baron Martin, a very experienced Judge, in his Report, stated that he was perfectly satisfied on the whole evidence that more than 800 Parliamentary electors were bribed; and from what several witnesses stated there could be no doubt many were bribed for the Parliamentary election as well as for the municipal election. No witnesses were called to contradict that; and the only excuse alleged for the bribery was that the Liberal party were doing the same.

Mr. CLAY said, he quite agreed with his hon. Friend and Colleague (Mr. Norwood) that there was something hard, if not unfair, in tying together in one indictment Beverley and Bridgwater. It was bare justice to Sir Henry Edwards. These matters were really questions of degree. Perhaps there were few boroughs wholly pure. No doubt the Attorney General would say that his own borough (Plymouth) was entirely so. [*A laugh.*] If his assertion were too broad it must, at least, be generally allowed that a very large number of the boroughs of England were open, more or less, to charges of that kind, and the question was, whether their delinquency was so great as to justify Parliament in entirely extinguishing them. He entirely denied what the Attorney General had told him elsewhere—that Bridgwater and Beverley were six of one and a half-dozen of the other. The first part of his indictment was that for 70 years no pure election could be traced in Bridgwater; but that was certainly not the case in Beverley. The Commissioners only went back to 1841, but why? Because they had evidence before them that before then the elections at Beverley were pure. He had himself at that election the honour of being a candidate, and he pledged his character as a gentleman and a Member of that House that he did not spend one sixpence, give one glass of beer, or employ a solicitor. His opponent, for many years a Member of that House, Sir James Weir Hogg, had assured him that his election did not cost him £20. Beverley at that time was a Conservative borough. The constituency at that time was 1,000, and of that number he, a stranger in the borough, with no local interest, and without availing himself of any expenditure to influence the electors, had polled nearly 400 votes. He stood on purity principles and lost, and that result was simply an expression of the balance of political opinion in Beverley. No doubt the elections for Beverley of late years had been greatly influenced by corrupt proceedings; he said so in spite of his own experience of the place, which was a happy one. He meant to say that Beverley was anything but a very corrupt borough. Was it so corrupt as to be tied up with Bridgwater? He was sorry for Bridgwater, but was it right to tie up the two boroughs in the same category? He would say nothing further on the question of justice to Sir Henry Edwards; but he would make this suggestion with respect not only to these two boroughs, but all against which a charge of corrupt proceedings might be brought at the last election, and where many of the electors were new—it was clear, at least, they were not old offenders; and as they had already had a severe punishment and grave apprehension as to the consequences of their fault, they might, at least, have more hope for them in future if they were now visited with measures of less severity.

Sir FREDERICK W. HEYGATE said, he had received a memorial from a former constituent of his for presentation to the House, hoping the Bill might not pass. The gentleman had gone from the county he represented to Beverley, and he thought it extremely hard that he should have to suffer for the misdeeds of others. His friend knew nothing of any party in the borough. He (Sir Frederick W. Heygate) thought the case of these two boroughs a very hard one. What would the country say of the course they were now taking in selecting them and passing so severe a measure against them when they passed over others, perhaps deserving equal condemnation? Let them take the famous borough of Youghal, where £6,000 had been spent, and the largest sum given per head that had ever been expended on any constituency. It was impossible that corruption could be more flagrant; yet what was done in that case? Why was Sir Henry Edwards to be prejudiced? How could he receive a fair trial if this Bill were passed? Why was not a general measure rather brought in by the Government?

Mr. STAVELEY HILL said, he would remind his hon. and learned Friend the Attorney General that the Judge before whom the Beverley Election Petition was tried in the most solemn manner acquitted Sir Henry Edwards of bribery, and that afterwards, when he appeared before the Commissioners and sought to be examined, they would not take his evidence, and refused to hear him, saying that they had sufficient evidence against him already, and meant to report him. Accordingly, as the case stood, upon the only occasion when Sir Henry Edwards was heard in his own defence he was acquitted; and when his back was turned, and no opportunity of defending himself was afforded, he was found guilty of bribery. Was it fair, under such circumstances, to retain his name in a Schedule? Ought he to be found guilty by Act of Parliament while waiting his trial publicly for a criminal offence?

The ATTORNEY GENERAL said, that what he promised upon a former occasion had been somewhat misunderstood; his undertaking had been to separate the case of the Norwich voters from the cases of Bridgwater and Beverley, not to put those two boroughs into separate Bills. At the same time the two cases were different; and, whether in separate Bills or in separate clauses, it would be competent for any hon. Member to move the omission of either name if he thought it ought to be omitted. The debate had been commenced by the hon. Member for Somersetshire (Mr. Neville Grenville), who said that Bridgwater, where only 50 voters had been shown to be bribed, was not nearly as corrupt as Beverley, where 327 cases were established, and he accordingly objected to the boroughs being classed together. The hon. Members for Hull (Mr. Norwood and Mr. Clay) seemed to think that the duty was cast upon them of defending Beverley—a duty apparently somewhat painful to their feelings, and which they had discharged with courage but not with entire success, for one hon. Member spoke of the past iniquities of the borough, and the other admitted that the borough was very corrupt. Both, however, argued that it was not quite as corrupt as Bridgwater. His hon. Friend the Member for Hull who spoke last (Mr. Clay) testified, indeed, that at one election for Beverley one of the candidates was pure— [Mr. Clay: All four]. It was a good deal to answer for four candidates, and his hon. Friend might be satisfied with answering for himself. But, at all events, that certainly must have been the last pure election for Beverley; and whether it was the first he need not now inquire. One hon. Member (Mr. Broadley) had contended, with some confidence, that there was no direct evidence whatever to connect the municipal with Parliamentary bribery; but on that point his hon. Friend was altogether in error. A paragragh from the Report of Baron Martin had been read by the hon. Member for Ipswich (Mr. West), setting forth that 800 men were, in fact, bribed for the Parliamentary election, though the money was given at the municipal election; and in the evidence given before the Commissioners—which he had carefully gone through—there were 15 or 16 cases in which the voters said distinctly that the money given at the municipal election was given for the "double event." In answer to the question which had been directly addressed to him, he would say that, in his opinion, the Report of the Commissioners was well founded, and that he should have come to the same conclusion himself. In all these cases it must be borne in mind that there was a certain amount of sham and imposture; bribes were seldom given openly; there was usually some pretext; money was given apparently for something but really for something else. And it could readily be imagined that where a municipal election came just before a Parliamentary election, money would not be given in distinct terms for both events, though such an understanding might perfectly well exist, and according to several witnesses did actually exist at the last election. It had been said that the passing of this Bill might prejudice the case of Sir Henry Edwards; but the hon. and learned Gentleman the Member for Coventry (Mr. Staveley Hill) did not seem to appreciate the effect of his own argument. The learned Judge reported that no bribery had been proved against Sir Henry Edwards; but he also reported that the borough was corrupt. The two things were quite distinct and quite compatible, and for the purposes of this discussion he had assumed that Sir Henry Edwards was not guilty. The Schedule was no evidence of any kind against Sir Henry Edwards; his name was included with that of other persons, having reference to transactions in bygone years, and it was impossible to place him in any different position from the rest. In the trial, however, that Schedule would not be evidence in any way against Sir Henry Edwards. An hon. Baronet (Sir Frederick Heygate) had stated that the House would not raise itself in public estimation by pick-out out two boroughs for the purpose of disfranchising them. These boroughs, however, were not selected arbitrarily. These were the only cases in which Commissioners had reported that the constituencies were extensively tainted by corrupt practices. It might well be that some other boroughs deserved to be placed in a similar category; but they had not yet been convicted, and it formed no reason for declining to pass sentence upon a prisoner who was already convicted that there were others equally deserving of trial and punishment. And when the cases of Sudbury and St. Albans were talked of, he could not help thinking that the House had acted rightly with regard to them, and that the country had a very good riddance of both those boroughs. In following the precedent which was set in those cases, and in dealing upon similar principles with Bridgwater and Beverley, the House, he believed, would be adopting a course which would meet with the approbation of the country.

Question put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Monday* next.

NORWICH VOTERS DISFRANCHISEMENT BILL—[Bill 99.]

(*Mr. Attorney General, Mr. Solicitor General, Mr. Secretary Bruce.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General.*)

Mr. F. WALPOLE said, that after the lengthened discussion on a kindred subject, he would content himself with moving, which he did with a view to justice being done to certain parties included in the Schedule, that the Bill be read a second time upon this day three months.

Mr. REED, in seconding the Amendmen, said, he wished to direct the attention to four Petitions which he had presented to Parliament, complaining of the un-English plan of condemning persons who had no opportunity of defending themselves. One of those Petitions was from a Mr. Orlando Dennis Ray, one of the Liberal agents, who stated that it was thought advisable on consultation with the Liberal candidates and three or four sub-agents of the party to purchase the show of hands, a matter which it was estimated would cost about £40. He might here remark that the Guildhall at Norwich, where the nomination was held, was so small that, in order to prevent a row, it was just as well that it should be filled by the adherents of one party. At all events, that had been the practice at Norwich. It so happened that volunteers were furnished in considerable numbers from a factory, so that the securing the show of hands cost £8 instead of £40; but he contended that if Mr. Ray were scheduled for this payment, the Liberal candidates, and those who concurred in the expenditure, ought to be scheduled with him. There were others who complained that they were scheduled, although they were innocent of treating, and were neither directly nor indirectly concerned in spending money to procure votes. The Bill he regarded as being framed in a very unsatisfactory and slovenly manner, for it referred to certain Schedules in the Reports of the Commissioners, marked A, B, and C. In common fairness, one would expect the names referred to to be found in the Bill; but they could only be ascertained by a reference to an entirely distinct document. The names, too, of the voters so scheduled were frequently very vague. He saw, for instance, that "John Brown" was scheduled. The name was not an uncommon one, and he himself knew three John Browns in Norwich; while he was also personally acquainted with two men called John Abel, another name that occurred in the list. He should, he hoped, have another opportunity of referring to the conduct of the Commissioners; but he desired to say a word or two in vindication of the course he had purpursued on a previous occasion. On that occasion he had stated that he was positive that the amount of bribery at Norwich would be found to be particularly and peculiarly small. The Attorney General, in his statement to the House, said that the bribery had been of a very extensive character; but the Report of the Commissioners stated expressly that corruption did not extensively prevail in the borough. It was shown that out of 13,300 electors, only 119 were proved to have been bribed, and 20 to have been guilty of illegal practices. Again, the Attorney General said that if the Commission were granted care would be taken to give effect to the expressed wishes of the Mayor and the magistrates, and that a Petition on the subject would be presented by the right hon. Gentleman the President of the Board of Trade. That Petition, however, when presented, bore the signatures of only two gentlemen, both Dissenting ministers. When the hon. Gentleman said that he was not aware of the presentation of any Petition complaining of the conduct of the Commissioners, he would remind the hon. Gentleman that on the 5th of April he had presented a Petition of that character, signed by 1,269 electors, and that the first three signatures were the signatures of magistrates of that city. He trusted that he had, at all events, said enough to induce the House to give those gentlemen who had petitioned Parliament an opportunity of vindicating their characters, and of showing that their names ought to be exluded from these lists.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Mr. Frederick Walpole.*)

Mr. STAVELEY HILL moved that the debate be now adjourned.

The ATTORNEY GENERAL said, he could not understand the Motion for Adjournment, and he trusted that the House would not agree to it. The practice of referring to the Schedules containing the names of those found guilty of bribery and corrupt practices had been always adopted, and this Bill, in that respect, furnished no deviation from the usual plan. He contended that if an appeal were allowed from the Commissioners to the House they would never be able to make any progress with Public Business, and independently of the fact that it would occupy the House till August if such appeals were admitted, what was the use of appointing

Commissioners if their decisions were not to be upheld? They were impartially selected, and the Norwich Commission was presided over by a distinguished Conservative, Mr. Dowdeswell. When the Commissioners reported that the prevalence of bribery was not so extensive as there had been reason to believe, he could only say that he was glad that they were able to make such a Report.

Mr. STAVELEY HILL said, trusting that an opportunity would be afforded for bringing forward, when the Bill was in Committee, the cases of those who alleged that they had been improperly scheduled, he would withdraw his opposition.

Motion for Adjournment, by leave, *withdrawn.*

Amendment *negatived.*

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Monday* next.

WINE AND BEERHOUSE ACT AMENDMENT BILL—[Bill 97.]

(*Sir Henry Selwin-Ibbetson, Mr. Headlam, Mr. Akroyd.*)

SECOND READING.

Order for Second Reading read.

Sir HENRY SELWIN-IBBETSON, in rising to move that the Bill be now read a second time, said, that the measure of last Session had worked well, and that the present Bill was intended to amend some defects in it. He was sorry the Return he had moved for was not available; but, foreseeing that contingency, he had written to the chief constables of a large number of towns. He had received answers from 20 towns, including Birmingham, Northampton, Leeds, Manchester, Sheffield, Portsmouth, Plymouth, and Bristol, and the chief constables had one and all given favourable reports as to the working of the measure. In nine towns they told of 628 bad houses closed—in Manchester 180, in Hull 98, in Birmingham 25, Sheffield 37, Stoke-upon-Trent 96, Portsmouth 66, Plymouth 54, and so on. In 12 towns there were 426 fewer convictions against beer-houses in October, November, December and January, 1869, than in the same months of 1868. Another good result was that magistrates were no longer afraid of refusing public-houses licences, and were able to put down the "free and easy." In Newington, alone, 163 were refused at the last brewster sessions in March of this year, and only 12 granted, while in Finsbury 29 had been refused and only two granted. So much for the Act of last year: the present Bill was intended, as he had said, to remedy some blots which had been found to exist in it. The first was with regard to the transfer of certificates. A clause would be introduced giving a power to the magistrates to transfer the licence, in cases where tenants being turned out by their landlords for disorderly conduct refused to give up the certificate, which constituted the goodwill of the house. Some persons took out a licence for the sale of what were called "sweets," and there being doubts whether the police had a supervision over their houses, the Bill proposed to give the police such a power. He proposed to adopt from the Scotch Bill a provision enabling magistrates to grant by a warrant to police officers, on an information made upon oath, a power to inspect houses where it was known or suspected that an illegal traffic was being carried on. The hon. Baronet concluded by moving that the Bill be now read a second time.

Motion *agreed to.*

Bill read a second time, and *committed* for *Tuesday* 10th May.

RELIGIOUS TESTS BILL.

LEAVE. FIRST READING.

Acts read; *considered* in Committee.

(In the Committee.)

The SOLICITOR GENERAL said, he had to ask for leave to introduce a Bill to alter the Law respecting Religious Tests in the Universities of Oxford, Cambridge, and Durham, and in the Halls and Colleges of those Universities. At that time of the night he would not enter upon any general remarks; but as the Bill he wished, as the organ of the Government, to bring in was somewhat different from those hitherto presented on that subject to the House, perhaps he might be allowed briefly to state its outlines. For some years past he and others, who had the conduct of that measure, had endeavoured to confine its scope and operation to the Universities, and the Universities alone. The proposal of the right hon. Member for Kilmarnock (Mr. Bouverie) had dealt separately with the question of the Colleges; but it had subsequently appeared to himself and others that the distinction between the University and the Colleges could not be maintained, and, consequently, with the full sanction of the right hon. Member for Kilmarnock, the two Bills had been amalgamated. That measure, however, still left it optional with the Colleges to repeal or not repeal the laws relating to religious tests, as far as their own societies were concerned, except as far as they might be restrained by their own statutes or ordinances; and last year the hon. Member for Brighton (Mr. Fawcett) proposed an Amendment which substantially took away that liberty, and made it compulsory on the Colleges to abolish those tests as well as on the University. To that Amendment he himself had offered a strenuous opposition; not that individually he and those who acted with him were opposed to it; but that they thought it perhaps not altogether right to permit an Amendment of so serious a character to be made in the Bill, without their having the courage to make it themselves; and further, that they had a hope that the measure then presented to the House might have been accepted by their opponents as a reasonable compromise for the settlement of a long-vexed question. That Amendment was accordingly resisted and rejected; and the Bill substantially as it had been proposed was sent up to the House of Lords by an overwhelming majority of this House. The Lords, however, declined to accord it even the decent honours of a second reading. That fact emancipated him, even if he stood as a private individual, from any further obligation to attempt to disregard, as, perhaps, he had too much done, the feelings of this House by keeping the measure in the form it had hitherto assumed. But the Government were not bound by any former acts of his, and they had thought it right in the present Bill to incorporate the Amendment of the hon. Member for Brighton, with, he trusted, some improvement of expression and detail, so as to render the measure a really full, complete, and comprehensive one on the great subject with which it dealt. The present Bill, therefore, placed the Universities and the Colleges precisely *pari passû;* it abolished absolutely all religious restrictions and tests in the Universities and the Colleges alike, and it left the Church of England on an exactly equal footing with every other religious body in the country as far as the operation of the law was concerned. The Church must maintain herself, if hereafter she was to maintain herself, by her own inherent power, by her influence, by her cultivation, by her personal worth, and not by force of law. The progress of opinion in matters of that kind in the minds of Churchmen on that side was gradual, and they were obliged to come to the conclusion that, in the altered state of things in which we lived, the Church was to be defended by different means and arguments from those by which she was defended 50 years ago; and she must rely on the hold she could maintain over the affections of the country—not on coercive or protective statutes. The proceedings of the other House must satisfy any reasonable man that any less complete and comprehensive mode than that they now proposed must fail to settle that question once for all. Further, since last year, the Universities themselves had spoken on the matter by the mouth of a most eminent and distinguished deputation to his right hon. Friend at the head of the Government; and it would not be well that Parliament should lag behind the open declaration of opinion made by that body. The Government proposed to deal with the Universities absolutely both for the present and the future; but in regard to the Colleges, they proposed to deal only with the Colleges now subsisting, while they left the founders of future Colleges perfectly free to enact anything they thought fit in the way of religious liberty or restriction in their statutes. As an individual, he thought it would be exceedingly illiberal to attempt to interfere with their complete freedom of action by legislative enactment, and the thing, if attempted, would be abortive. Exclusive societies could be founded if men chose to found them; and if they were to be founded, it would be better they should be founded in liberal institutions rather than in places where the associations would be less liberal than they hoped would be the case after the passing of that measure. He did not deny that the Bill would affect the Church of England; but he did deny, as a matter of opinion, that it would injure that Church, which he believed would maintain herself without the restrictions hitherto imposed by law. At any rate, he was satisfied that the measure was wise and just, and one that ought no longer to be delayed. The hon. and learned Gentleman concluded by moving that the Chairman be directed to move the House that leave be given to bring in the Bill.

Mr. GATHORNE HARDY said, he fully agreed with his hon. and learned Friend (the Solicitor General) that the position of the Church of England did not depend on this Bill, or any other which might be introduced even by the right hon. Gentleman at the head of the Government; but he could not think it would be a benefit to the Church of England to deprive her of her property. His hon. and learned Friend seemed to be of opinion that such a course would be of advantage to the Church; but he did not think her best friends would concur with the hon. and learned Gentleman in that opinion. The Solicitor General had spoken of the House of Lords as if it also needed improvement. Certainly his hon. and learned Friend had abandoned a conciliatory tone on the subject of the Universities, and was now at the point on which Gentlemen on the Opposition side had anticipated he would reach.

Mr. SPENCER WALPOLE said, he was taken somewhat by surprise at the statement that the Universities approved the principle on which this Bill was framed. He could undertake to say that at least two-thirds of the resident members of the University of Cambridge, many of whom took the most active part in the education given by that institution, were opposed to the kind of measure shadowed out by the hon. and learned Gentleman. Those gentlemen were anxious that the fullest benefits of the education given by the University should be extended to every class of Her Majesty's subjects; but that the instruction carried on in the Colleges should be in future, as it had been hitherto, based on religion, and that the religious teaching and character of the Colleges should remain unimpaired. He believed the same to be the feeling in the University of Oxford.

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to alter the Law respecting Religious Tests in the Universities of Oxford, Cambridge, and Durham, and in the Halls and Colleges of those Universities.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. Dodson, Mr. Solicitor General, and Mr. William Edward Forster.

Bill *presented,* and read the first time. [Bill 105.]

ENTAIL (SCOTLAND) BILL.

On Motion of The Lord Advocate, Bill to amend the Law of Entail in Scotland, *ordered* to be brought in by The Lord Advocate, Mr. Secretary Bruce, and Mr. Adam.

Bill *presented,* and read the first time. [Bill 108.]

CRIMINAL COURTS PROCEDURE (SCOTLAND) BILL.

On Motion of The Lord Advocate, Bill to amend the Procedure in the Court of Justiciary and other Criminal Courts in Scotland, *ordered* to be brought in by The Lord Advocate, Mr. Secretary Bruce, and Mr. Adam.

Bill *presented,* and read the first time. [Bill 107.]

ARMY ENLISTMENT BILL.

On Motion of Mr. Secretary Cardwell, Bill to shorten the time of active service in the Army, and to amend in certain respects the Law of Enlistment, *ordered* to be brought in by Mr. Secretary Cardwell and Captain Vivian.

Bill *presented,* and read the first time. [Bill 106.]

House adjourned at half after One o'clock.

* * *

HOUSE OF COMMONS,

Tuesday, April 26, 1860.

MINUTES.] — Select Committee — Railway Companies, *appointed.*

Fourth Report—Committee of Selection [No. 81].

Ways and Means—*Resolutions* [April 25] *reported.*

Public Bills—*Ordered*—Settled Estates *.

Ordered—First Reading—Charities, &c. Exemption * [109].

Second Reading—Oyster and Mussel Fisheries Supplemental (No. 2) * [100].

Select Committee—Burials * [8], Sir John Simeon *discharged*, Mr. Cogan *added.*

PRISONS—ENGLAND AND WALES.

QUESTION.

Mr. HIBBERT said, he would beg to ask the Secretary of State for the Home Department, Whether there are any Prisons in England and Wales which are not in conformity with the requirements of the Prisons Act, 1865; and, if so, whether he will state the number of such Prisons, and whether the 35th and 36th Sections of that Act have been enforced against them?

MR. BRUCE said, in reply, that there were still a considerable number of both county and borough prisons which were not in conformity with the requirements of the Prisons Act of 1865. The work of bringing them into conformity had been gradual, and rather slow. In March, 1869, he received a Report from the Prison Inspectors stating that at that time there were 24 county prisons and 16 borough prisons which, from structural defects, want of proper accommodation, or discipline, were not in conformity with the Act; but about half of the number were in process of having the defects removed. Since that Report one of the Inspectors had died, and the other had retired, and the two Inspectors appointed in their places had received instructions to report upon the prisons which did not comply with the requirements of the Act. He could not find that the penal clauses of the Act had been in any case enforced.

POST OFFICE—LETTER CARRIERS.

QUESTION.

SIR HENRY HOARE said, he would beg to ask the Postmaster General, Whether letter carriers who had called a meeting of their body for Good Friday were menaced by circular with dismissal if they attended the same; and, if true, under what Statute such circular was issued; and, whether the Postmaster General will introduce a Bill to repeal the same?

THE MARQUESS OF HARTINGTON, in reply, said, that certain letter carriers had announced their intention to hold a meeting on Good Friday, for the purpose, among other objects, of hearing a paper read on the position and prospects of Post Office employés, and inviting discussion on the subject. That proposed discussion would have been in direct violation of a rule laid down by his (the Marquess of Hartington's) predecessor (Lord Stanley of Alderley), which forbade, on pain of dismissal, the holding, by officers of the Department, of any meeting beyond the walls of the Post Office building for the discussion of official questions. The enforcement of that rule had been attended with great advantage not only to the Department, but to the letter carriers themselves. There was no obstacle whatever in the way of the letter carriers, or other servants of the Department, making what remonstrances and representations they thought proper to their superior officers; and when couched in proper and respectful terms, such representations were always fully considered, and the instances were very rare in which they had not been attended to. But he did not think it was to be tolerated that a regular system of organized agitation should be encouraged or allowed, the object perhaps being the enlistment in their cause of political influence. The only possible result that could ensue from such agitation was, that the letter carriers, or other servants of the Post Office, were made discontented with their present position, and some of them, as had been the case in past times, might be led to acts or words which would involve the forfeiture of their situations. There was no statute on the subject, and he had no intention to bring in a Bill to rescind the order.

CANADA—RED RIVER EXPEDITION.

QUESTION.

MR. R. TORRENS said, he wished to ask the Under Secretary of State for the Colonies, Whether there is any truth in the statement contained in the "Toronto Globe" of the 2nd instant, that "in view of the intended expeditionary force to Red River, the Canada Rifles are not to be disbanded. "That this expeditionary force is to consist of not less than 2,000 men, of whom a fair proportion are to be Imperial Troops." And that "the Artillery required is to be furnished from England?"

MR. MONSELL, in reply, said, that so far as the Imperial Government was concerned, orders had been given for the disbandment of the Canada Rifles; but whether the Government of the Dominion might think fit that the whole or any part of that force should be retained, he could not tell. Measures for vindicating law and order, and the supremacy of the Crown had been for some time and were still, under the consideration of the Government; but were not yet in that state in which it would be expedient or conducive to the public service to make any announcement.

BRIGANDAGE IN GREECE.—QUESTION.

Mr. CADOGAN said, he wished to ask the Under Secretary of State for the Foreign Department, Whether the word "or," in the eighth line of the Despatch from Mr. Erskine to Lord Clarendon, dated the 14th of April, was a misprint, or whether the Despatch was to be read in the sense which the word "or" gave to it—namely, whether the brigands were prepared to reduce their demands to £25,000 or a free pardon?

Mr. OTWAY, in reply, said, he had not the Papers about him at the moment to refer to; but these despatches were sent in cipher, and very great difficulty was experienced in deciphering them, for they abounded in errors, and the clerks were engaged to a late hour in making them clear. He had no doubt that the despatch was printed as it came to this country; but whether it was the intention of the brigands to reduce their demands to £25,000 or a free pardon he was not prepared to say.

COLONIES.

MOTION FOR A SELECT COMMITTEE.

Mr. R. TORRENS said, that a sufficient apology for bringing forward at this time the Motion of which he had given notice would, he felt assured, be recognized in the feeling of uneasiness and uncertainty respecting the character and the permanency of the political relations existing between this country and her self-governing Colonies. He had observed with pain that recent official communications between Her Majesty's Secretary of State and the Governments of some of these Colonies exhibited a tone of irritation, dissatisfaction, and distrust sadly in contrast with the spirit of mutual respect and confidence which had hitherto generally characterized that intercourse. He had also noticed that these conditions, so favourable for the purpose, were taken advantage of by men of great ability to propagate opinions adverse to the integrity of the Empire, opinions which were rapidly gaining a more tolerant if not a more approving assent in this country and in the Colonies, but which his experience had entirely satisfied him were as inconsistent with the true interests of those Colonies as they were incompatible with the future greatness of this Empire. The school of politicians to which he referred—and lest he should misrepresent them he would quote the language of their great apostle, Professor Goldwin Smith—declared—

> "That our possessions, if regarded as military posts, must be abandoned, because in these days of free trade commerce no longer needs cannon to clear her path; but if regarded as Colonies they must be abandoned, because in adopting free trade we have destroyed the only motive for retaining our Colonies."

He would not occupy the time of the House by discussing the arguments by which these philosophers of the closet attempt to sustain this view, because the same premises would force the very opposite conclusion irresistibly upon the conviction of every practical man observant of things as they really are. Such men do not need to be told that the result of free trade in rendering England the workshop of the world has been to concentrate a population vastly greater than can be fed upon the produce of these islands, and so has brought it to pass that the very life of our people is dependent upon our retaining command of the seas, the high road for the transport of the people's bread and of the manufactures with which it is purchased. But the time has passed away when our navies spread their sails to the wind as the only motive power; in these days the command of the seas means coals accumulated in secure and convenient depôts where our steam navy may replenish; free trade therefore, so far from rendering it unnecessary to retain such of our possessions as afford advantages of this kind, places us under the strongest obligation of necessity to retain them. Again, free trade, instead of "destroying the only motive for retaining our Colonies," has destroyed the only rational motive for casting them off, since it has abolished monopolies which, under the previous *régimé*, imposed an onerous taxation on the inhabitants of this country for the benefit of the Colonies, amounting, on the single article of sugar, to over £2,000,000 per annum. The most frequent objection against England maintaining her Imperial position as the central cohesive power amidst the free communities which she has brought into existence is based upon the alleged costliness of that position, and a heavy bill is made out by including the expenses of military posts and convict establishments in the same account with expenditure on account of Colonies properly so called. But, on referring to a Return recently laid on the Table, it would be seen that the charge entailed on this country for military defences, and other purposes of the self-governing Colonies in Australia, amounted, in 1865, to £69,064, and, in 1867-8, to £106,863, giving a mean of £87,963 only, a sum barely sufficient to cover the expenses entailed on these communities by the residuum of an evil inheritance entailed upon them for the relief of this country. So far, therefore, as regarded the five self-governing Colonies in the Australian group, this argument on the score of costliness was absolutely without foundation. If, however, other settlements founded under the auspices of the Colonial Office have entailed enormous cost, that circumstance afforded them no argument for casting them off, though it furnished a valid reason for reforming that management. The casting off of our Colonies, and especially those of the great North American group, had also been advocated, on the plea that by that means we might evade the obligation to defend them against foreign aggression. But, he would ask, could England remain tamely quiescent whilst communities of her children, founded under her protecting auspices, were subjected to aggression or forcible annexation? Would she not, in such case, sink dishonoured in the estimation of the whole world, and forfeit the prestige acquired by so lavish an expenditure of blood and treasure in times past? Assuredly this result would follow upon such pusillanimous conduct in either case, equally whether those communities, ambitious of more complete independence, parted from us in amity or remained content to combine the privileges of perfect local self-government with those of common citizenship in this great Empire. Nay, even Mr. Goldwin Smith repudiates a policy founded on cowardice and dishonour, declaring that—

> "Supposing Canada to become independent, and supposing her independence to be afterwards threatened by the aggressive combination of any foreign power, no Englishman would vote more heartily than himself for risking the fortunes, and, if it were needed, the existence of the Empire in her defence."

If it be argued, as it had been argued, that the scattering of our naval and military forces in time of war would prove a source of weakness, he would confidently reply that if once our relations with the self-governing Colonies were placed upon a reasonable and permanent basis, the wealth and strength of the 7,000,000 of the English race who inhabited them would constitute the wealth and strength of the British Empire little if at all less effectively than if those 7,000,000 were resident within these islands. He based this assertion upon a perfect knowledge of the hearty and fervent loyalty of these people, a loyalty not confined to the British-born but quite as earnestly felt by the colonial-born subjects of Her Majesty. That loyalty, that fervent desire for continued identity with this country had not died although, with the deepest regret, he must state that a conviction—whether founded on adequate grounds or otherwise—had been induced upon the colonial mind, that it was the deliberate policy and set purpose of Her Majesty's Government to bring about a separation; that in furtherance of that purpose some Colonies were encouraged by significant suggestions to ask for independence, whilst others were being incited and goaded on to the same end by an unequal and inconsistent course of action, by refusal of reasonable aids in times of difficulty, by misrepresentations and bitter taunts, when the circumstances rather called for indulgent and sympathizing consideration. It was true this policy had been distinctly disavowed by Her Majesty's Ministers, and he accepted that disavowal in perfect good faith; still, the reports which reached us simultaneously from opposite quarters of the globe rendered it impossible to doubt that the line of conduct which had of late been pursued—be the motive of that conduct what it may—had had the effect of inducing upon the minds of the colonists the belief to which he had referred. In the Dominion Parliament we find Sir Alexander Galt stating his conviction, based upon correspondence with Her Majesty's Government, that—

> "The policy of independence had been arrived at by the Imperial Government; and, so far as his loyalty to the Crown is concerned, he stood on the same ground as the Ministers of the Crown of England."

The impression created by this statement had been strengthened by the refusal of the Secretary of State for the Colonies to allow the publication of the correspondence referred to, though requested by Sir Alexander Galt, and urged by a Member of this House. In the same Parliament, the Hon. L. S. Huntington was reported to have said—

> "Opposition was useless, and Imperial influence is always too powerful for colonial dissent. I have accepted the situation in its fullest sense, as faithfully and loyally as if I had originally promoted it. But, the first step having been taken, I see dangers in delay, and I believe it is expedient to take measures for the severance of our present relations to the Empire. This noble sentiment of loyalty to the British Crown, which has so generally and so happily subsisted among the great masses of our people. Can we forget our noble Queen? Can we dissociate ourselves from the glories and the traditions of the Empire? British Citizenship is no idle word, and what could we create for ourselves to surpass it? For a century the affectionate colonial eye has rested from afar upon the British Throne, as the centre of power, protection and glory. Can all this trustfulness, this affection and loyalty be torn ruthlessly away? It deserves at least respect and tender treatment."

As to the views entertained in New Zealand there was testimony that must be accepted, as it was that of the local correspondent of the journal which pre-eminently advocated the Ministerial policy. *The Times* of 23rd March published the letter of their Wellington correspondent, dated the 21st January, from which, with the permission of the House, he would read a brief extract, describing the effect produced by recent despatches—

> "The despatch is stigmatized freely as harsh in the extreme, ungenerous, and filled with assertions and implications showing wilful misrepresentation or great ignorance of the antecedent history of the Colony. It would, however, be impossible to recapitulate the objections to this celebrated despatch, which appears to have been commented on as severely in England as here. As the immediate consequence of Earl Granville's expressions and his declaration of the Imperial policy towards New Zealand, the expediency of declaring the independence of the Colony, of refusing to maintain the viceregal establishment,and even of annexation with the United States has been freely discussed, and it is only because the case of the Colony appears to have attracted considerable attention, and called forth the sympathy of a large and influential section of the English people, that no decided steps have been taken in one of these directions. It is also expected that the colonial question will be fully considered during the next Session of Parliament, and the more moderate section of the community is willing to await the event of that discussion before accepting any proposal for a radical change."

They had yet more authoritative testimony in the Memorandum of the New Zealand Government, in reply to Earl Granville's despatch of October 7, as follows:—

> "Nowhere more than in New Zealand does there exist a stronger feeling of loyalty to the Crown, and of devotion to Her Majesty, or a higher value attached to its position as an integral part of the Empire; and Ministers feel assured that throughout the Colony there will arise a universal feeling of regret that the tone and purport of Earl Granville's despatch (written at a time when he must have known the Colony to be in the greatest distress), are scarcely susceptible of any other explanation than a desire to abandon this country, and to sever its connection with the Empire."

In the New South Wales Parliament, Sir James Martin, late Chief Secretary, was reported to have said—

> "He was sure that, if the Colonies were canvassed from one end to the other, it would be found that a large majority would condemn that policy, which was supposed to be the policy of the Imperial Government. It might be very well for the Ministry at home, in order to retrench, to advocate the necessity of leaving the Colonies to defend themselves, and, for the purpose of inducing them to do so, to hold out the intention of allowing them to separate from the mother country whenever they should show any disposition to take that course. He thought, however, that such a course would be injurious to all concerned—to England and the Colonies."

The Hon. C. Cowper, Colonial Secretary—

> "Hoped never to see the day when these Colonies should be separated from the mother country, but he thought they would be separated before many years. The Home Government had shown no disposition to favour the connection; but he was by no means sure that if the Colonies were to think of separating, they would not move in another direction."

In the Parliament of Victoria, the Hon. G. Duffy, formerly a Member of this House, and recently a Cabinet Minister in the Colony, said, on the 3rd November—

> "He admitted that we should be prepared to defend ourselves, at our own cost, for the result of any quarrels of our own; but it seemed to him to be a monstrous proposition that we should take, so far as we are concerned, the responsibility of the quarrels of the mother country, over which we exercised no more control than we did over the solar system. He thought that by negotiation some arrangement might be arrived at by which the Colonies might hold a position similar to that occupied by Hanover when annexed to the British Crown. That country was not necessarily involved in every war that Great Britain might undertake. It might be possible to place the Colonies on the same footing, so that unless they voluntarily chose to assist the mother country and espouse her quarrels they would be held harmless."

Were it needful, he might adduce similar testimony from other Colonies; but a brief extract from the address of Sir Philip Wodehouse to the Legislative Assembly of Cape Town might suffice as a summary of the whole. Sir Philip, speaking in his capacity as Her Majesty's representative, fully instructed, it must be presumed, as to the Colonial policy of Her Majesty's Ministers upon pre-eminently a question of vital importance, assured the Assembly that—

> "In North America we have unmistakable indications of the rapid establishment of a powerful independent State. In Australia it is probable that its several settlements, with their great wealth and homogeneous population, will see their way to a similar coalition. In New Zealand the severance is being accomplished under very painful circumstances."

It was passing strange to find such concurrent testimony arriving simultaneously from such authorities, separated from each other by half the earth's circumference, and each professing to have derived his information from the same authentic source—Her Majesty's Colonial Ministers—and yet to be assured by Her Majesty's Ministers themselves that they entertained no such views, and utterly repudiated the policy attributed to them. He believed that the House would agree in the opinion that the occurrence of such a phenomenon warranted the inquiry—"Whether some modification might not with advantage be introduced in the existing machinery for official intercommunication between Her Majesty's Colonial Minister and the Governments of those great dependencies?" In contrast to the feelings which found voice in the extracts which he had read, as also in answer to those who regarded our colonial possessions as a source of weakness, he would draw the attention of the House to the manifestations of hearty fervent loyalty and desire for permanent union exhibited only a few years back by this same 7,000,000 people who inhabited those great Colonies, a loyalty, as he had said before, not confined to the British-born, but, if possible, more earnestly felt by the colonial-born subjects of Her Majesty, and vouched by substantial proofs. Canada, during the Crimean War, had offered to aid the mother country by furnishing a regiment. He happened to be in Melbourne when the news of the *Trent* affair arrived. There was a general conviction that war was inevitable—if, indeed, it was not then already raging. The Victorians saw clearly enough that their Colony would be a special object of attack—that the gold ships leaving their port would be to the Privateers from California what the Galleons were in days of old to the Buccaneers of the Spanish Main. The first intimation that hostilities had commenced would probably be the presence of an American ship of war laying the town and shipping under contribution. The quarrel was one in which they had no concern, no voice. They were involved in it solely through their connection with this country, yet no thought of severing that connection was for a moment entertained. One spirit animated all—one common voice called aloud to stand or fall by the old country. Yet this was the Colony in which Mr. G. Duffy had, under the irritation produced by recent despatches, and, apparently, with general concurrence, advocated what was tantamount to severance, though within so short a period the cry in Victoria and throughout those Colonies was—"England's distress is Australia's opportunity," raised in a sense the opposite of that in which it was used by the great Irish Agitator, and the response to it appeared in the shape of munificent contributions on the occasions of the Irish Famine, the Cotton Famine, the Crimean War, and the Indian Mutiny. He regretted that Returns which he had asked for two months ago had not been laid upon the Table, as they would furnish the particulars. He could, however, from another source convey to the House some idea of the spirit which, at a time so recent, animated our fellow-subjects in that part of the world—he referred to a recent work of great interest, entitled *Experiences in Viceregal Life*, the author of which was not entirely unknown to Mr. Speaker, and, with the permission of the House, he would read a brief extract descriptive of a meeting held in Sydney, on the 20th February, 1855, to raise a fund for the relief of widows and orphans of soldiers who fell in the Crimean War.

> "What charmed me most was the feeling of the people. There seemed such a hearty loyalty towards England, such an evident pride in being spoken of as Britons, and having their British sympathies appealed to—any expression of the kind being sure to be followed by hearty applause;—such a cordial recognition of the blessings they enjoyed under British rule, and of the claims therefore which England had on them—a point

which was frequently dwelt on by the speakers, and always so cordially applauded that it was delightful to see. £6,000 was subscribed on the spot, though this was only the commencement; and there are still collections to be made all over the Colony."

Such were the feelings towards this country which at that time pervaded those Colonies—feelings now estranged, though he trusted not yet hopelessly, by the course of action pursued by the Secretary of State for the Colonies. He was anxious to guard against being misunderstood on this point. He fully recognized the great abilities of the noble Lord the Secretary for the Colonies, and of his right hon. Friend who represented that Department in that House; and he was also satisfied that they were actuated by the best intentions. Their deficiency was one which they shared in common with their predecessors in Office—an unavoidable ignorance of the real condition and requirements and, what was of no less importance, the aspirations and sentiments of the great communities, in the administration of whose affairs those good intentions and great abilities were employed. What had occurred was the natural product of the departmental machinery under which the affairs of the Colonial Empire were administered. That Department consisted of a permanent staff imbued with a traditional policy, acquired not in the Colonies but in the office itself, in which policy it was their business to instruct the *quasi* responsible Minister, who was not always selected for any special qualification for that post, but rather as the convenience of political parties might dictate, and who was usually removed just about the time when he was beginning to gain an insight into the real condition and requirements of the communities whose interests were committed to his charge. Such a system was well adapted for its original purpose—namely, for enforcing the policy or the will of this country upon military posts, convict settlements, and plantations in which a few European masters or drivers accumulated wealth by the forced labour of numbers of a darker race; but its very aptness for that state of things constituted its unfitness for conducting the affairs of a great Empire, comprising powerful and intelligent communities of Englishmen in the enjoyment of constitutional government. Applied to such communities the precedents of the past assume the character of partiality, inconsistency, illiberality, and an offensive assumption of superiority intolerable to communities which claim incorporation in the Empire on terms of equality or not at all. This statement was susceptible of easy proof; and he claimed the indulgent attention of the House whilst he cited instances to show that he had not brought it forward rashly, or upon insufficient grounds. He would abstain from going back to any remote date, not because there was any lack of such instances in the history of past administrations—unfortunately there was an evil uniformity in that respect—but because recent transactions, well within the memory of the House, afforded ample material for his purpose. He would begin with the Red River difficulty as the most recent. The Papers laid on the Table proved great care and masterly statesmanship on the part of Her Majesty's Secretary of State for the Colonies in bringing to a conclusion the negotiations which had been so long pending between the Hudson's Bay Company and the Dominion Government for the cession to the latter of the North-West country. The pecuniary obligations and interests of the high contracting parties had been most carefully attended to. He also observed a laudable consideration for the interests of the aboriginal tribes. But there were others of Her Majesty's subjects nearer in blood, and who, from their numbers as well as from the progress they had made in settling the country, were entitled to be called into counsel on a matter vitally affecting their interests; yet the very existence of these settlers, numbering some 20,000 souls, appeared to have been ignored throughout the negotiations, unless, indeed, he assumed that they were the "third parties" referred to in Part 3 of the Memorandum addressed by Mr. M'Dougall, on the 28th December last, to the Governor General of Canada, which, as it was very brief, he would read—

"That your Excellency will be pleased to express to his Grace, as the opinion of the Canadian Government, that it is highly expedient that the transfer which the Imperial Parliament has authorized, and the Canadian Parliament approved, should not be delayed by negotiations or correspondence with private or third parties whose position, opinions, and claims have heretofore embarrassed both Governments in dealing with this question."

Admitting that the North American Act of 1867, which in Section 146 sanctioned the incorporation in the Dominion of the then outstanding Colonies upon Addresses of their respective Legislatures to Her Majesty, ordained also that Rupert's Land, not having a separate Legislature, might be incorporated upon Address to Her Majesty by the Parliament of Canada alone; still that provision did not appear to contemplate, still less to sanction, the extinguishment of the inherent common-law rights of these 20,000 British subjects to be allowed a voice in the settlement of their local government and taxation and to have their rights and privileges secured, before the ratification of the transfer of themselves and lands to the absolute sovereignty of another settlement, from which they were divided by a vast desert, and with which they had little communication. Their expectations do not appear to have been at all unreasonable. They claimed that their local affairs should be administered upon the spot by a District Council and officers of their own selection, and that they should send a representative to the Dominion Parliament; but, unfortunately, whether through oversight or ignorance, these rights were not secured to them. They were sold and handed over, just as sheep were, with the run, in Australia, and the result was an armed demonstration, which must retard the settlement of the country, and it was to be feared would not terminate without bloodshed. It would suffice to adduce one other case, prolific as it was in examples of unequal dealing, inconsistent policy, harsh and ungenerous treatment, such as fully justified the significant language of Sir Philip Wodehouse, that—"the policy of severance is being worked out under very painful circumstances in New Zealand." In that Colony a war originated at a time when the Native affairs were retained under the exclusive management of the Imperial Government. That war, interrupted by an occasional truce, had endured ever since. Whilst it was yet raging the Legislature of the Colony, yielding to the continued solicitations of the Secretary of State, withdrew the positive refusal to take over the management of Native affairs, conveyed in their Memorial of 1868, and on the express condition conveyed in the following explicit language:—

> "In consideration of the thoroughly efficient aid which Her Majesty's Government is now affording, and relying on the cordial co-operation of Her Majesty's Government for the future"

consented to relieve this country from the responsibility of Native affairs. Earl Granville, speaking of this war in the House of Lords, on the 25th July, 1864, said—

> "It was impossible for the mother country to divest herself entirely of responsibility for her Colonies, especially in case of war. . . . With regard to the origin and commencement of the war now being waged in New Zealand, he believed it to be a just war;"

and the present Prime Minister, being at that time Chancellor of the Exchequer, declared that—

> "He did not see how England could with justice throw the whole responsibility of the war on the Colony;" that "the policy which had led to the war had not been exclusively that of the Colony;" that "the Home Government had approved it, and were so far responsible for it."

Notwithstanding these statements—as just as they were explicit, and notwithstanding the express condition for future aid, under which the Legislature of New Zealand agreed to relieve this country from responsibilities attached to Native affairs, they found that Colony impoverished by the continuance of the war, and oppressed by the unexampled taxation of £6 5*s.* per head, appealing in vain to the Government of this country not for money, but simply for a guarantee, which, without costing the taxpayers of this country one farthing, would have enabled them to raise a war loan at 4 per cent, instead of 6½ or 7 per cent. When it was noted that the guarantee thus denied to New Zealand, under circumstances amounting to something like a life or death necessity, was at the same moment granted to the Canadian Government—not because of any such necessity, but in furtherance of an object which could not be deemed more than one of expediency—then this denial, grievous and unjust in itself, was aggravated by evident partiality. The same partiality and absence of any guiding principle was exhibited in the allowance of military aid to the Dominion Government for the suppression of an emeute of a comparatively trifling character, whether they considered the relative forces or the issue at stake—whilst the assistance of a single regiment for which they offered to pay every farthing of expense, was refused to New Zealand, although the Secretary of State was in possession of the Governor's despatch assuring him that, after consultation with General Sir Trevor Chute, and with the Admiral on the station, he had reason to fear that—"the withdrawal of that regiment would lead to a general rising of the Native race, and tragedies as dreadful as those of Delhi and Cawnpore." In defence of that conduct, it was alleged that the Secretary of State for the Colonies was only carrying out the policy of his predecessors. That statement, however, was not borne out by the facts as disclosed in the Papers before the House. They, on the contrary, exhibited a constantly shifting policy. For example, they found the right hon. Gentleman the present Secretary of State for War, in 1866, and his successor Lord Carnarvon, in 1867, when Secretary for the Colonies, proposing to leave one regiment, on condition that a certain sum was contributed by the Colony—£50,000, he believed—for Native purposes, a condition which had been faithfully complied with. Next they found the noble Duke (the Duke of Buckingham)—in his despatch, dated 8th July, 1869 — declaring that Her Majesty's Government had no intention of withdrawing the troops if the Colony would pay for them. And, finally, they had the present Secretary of State, in his despatch of the 21st May last, intimating — "that he would not have ordered the withdrawal of the troops had he been aware that the Colony was willing to make sacrifices;" and yet, in the month of November following, though informed that the Colony had made provision for payment of all the expenses of the regiment, he abandoned that plea altogether, and peremptorily ordered the withdrawal of the troops on the new plea that possibly they might be employed "in support of a policy," which, as he stated, "the Imperial Government had always regarded as pregnant with danger." And that refusal was persisted in, although a stipulation had been offered that the troops should remain in garrison under direction of Imperial authority, as, in fact, they had remained during the last two years without having been called upon to fire a shot, although hostilities had prevailed incessantly, and settlements had been devastated, women outraged, infants slaughtered almost within sight of the barracks. The policy which it was alleged the Imperial Government regarded as "pregnant with danger"—as far as could be learned from the despatch of November last — was the confiscation policy and the non-recognition of the so-called Maori king. What were the facts as regarded those confiscations? Peaceful settlements — without the slightest provocation given, or even alleged to have been given — were attacked by savage fanatics, the women outraged, infants and young children ruthlessly slaughtered, the homesteads, created out of the wilderness by the labour of half a lifetime, given to the flames, implements and materials destroyed, the cattle and horses driven off as plunder. Year after year that process had been repeated, and as often as the Maori found it desirable to sue for peace—that was, as often as he had expended his ammunition, or his crops required attention—peace was granted him without exacting compensation for the destruction of property, or restoration of the plunder. Under such a system war, always congenial to the Maori, became very profitable pursuit. In fact, such a system offered the greatest incitements to renew the career of murder and outrage so soon as the necessary ammunition could be obtained from the American whalers which frequented that coast for that express trade. It was at length found unavoidable to change that policy, and, as a condition of peace, to exact retribution for murder and outrage, and compensation for destruction of property. But upon what could compensation be levied? The rebel Maori possessed no movable property. His lands alone were available for the purpose; and therefore, upon the recommendation of Sir George Grey—in his despatch to the Duke of Newcastle, dated 30th November, 1863 — this confiscation policy was adopted by Her Majesty's Government, who at that time retained the management of Native affairs in their own hands exclusively. He would trouble the House with a few extracts from the despatches, setting forth the policy approved by Her Majesty's Government at that time. The Duke of Newcastle, in reply to Sir George Grey's despatch, said—

> "I think that any body of Natives which take up arms against Her Majesty on such grounds as those alleged by Waikatoes may properly be

punished by a confiscation of a large portion of their common property. I think the lands thus acquired may properly be employed in meeting the expenses of carrying on the war; nor do I see any objection to using them as sites for military settlements."

We find the same policy endorsed by Mr. Cardwell, who succeeded the Duke as Secretary for the Colonies, in the following words:—

> "We have accepted the principles upon which he (Sir George Grey) has acted—the chastisement of the guilty Natives—the exaction of a reasonable indemnity for the expenses incurred by the war, and a moderate security for the settlement and future protection of the colonists."

And again—

> "The objects which Her Majesty's Government have been desirous of effecting for the colonists were substantially these—they have wished to inflict on the rebel tribes, or some of them, an exemplary punishment in the way of forfeiture of lands, which should deter them from wanton aggression in the future."

Notwithstanding this explicit adoption of the confiscation policy, Her Majesty's Secretary of State, in his despatch of the 7th of October last, intimated, in effect, that troops were withdrawn and a guaranteed loan denied, with the express object of placing the colonists, under compulsion of dire necessity, to purchase a temporary and disgraceful truce by the restoration of the lands most righteously forfeited. He believed that he should be supported by everyone who had any knowledge of savage or semi-civilized races when he said that the restoration of those lands would be viewed by the Maori as an indication of weakness, and would be the signal for a fresh onslaught. The refusal to recognize the sovereignty of the Maori chieftain, who had thrown off his allegiance to Her Majesty and assumed the title of King, was not originally the policy of the colonists, but was transmitted to them as portion of the evil inheritance of which they had undertaken to relieve this country on the conditions he had referred to; and the reversal of that policy at this time would, in the judgment of all who had any knowledge of the true condition of affairs, at once alienate the more powerful and higher-class tribes who remained faithful to their allegiance, and refused to recognize the assumption of a sovereign position by a second-class chieftain. The New Zealand colonists saw in the policy thus attempted to be forced upon them consequences so disastrous that even the cruel necessity of separation from the mother country would be a preferable alternative. In the language of the Memorandum of the New Zealand Government, in replying to the despatch of the 2nd October—

> "They claim that the Colony should be practically recognized as an integral portion of that Empire, and not be thrust out beyond its pale as of infinitely less consideration than a British subject in foreign lands. They ask England for no pecuniary sacrifice; they do not appeal to her compassion; but they do appeal to those eternal principles of justice, which are as much the duty of the strong as they are the heritage of the weak, and which even the most powerful nation should never withhold from the feeblest suppliant."

That the stability of the Empire had received a severe shock through the harshness and the injustice of the course adopted towards New Zealand, was undeniable. What, it was asked, was the utility of union with Great Britain if it did not ensure mutual aid and sympathy in times of difficulty and trial? To affirm that whilst the Colonies remained obnoxious to hostile invasion, in consequence of their connection with Great Britain, they were to be refused succour and countenance in their danger and distress, was an untenable proposition. In the language of a right hon. Baronet opposite (Sir Charles Adderley)—

> "Such terms of intercourse compose no friendship, nor alliance, nor community, nor solid connection of any sort but a fool's paradise of mutual promises and expectations, equally visionary and evanescent. If the Colonies will undertake the duties as well as the privileges of British citizens, we may go on together as members of one great Empire, each part habitually maintaining itself, and the whole ready to rally round any threatened point."

The passage he had quoted described the true position as regarded the obligations of the Colonies, but the proposition was conversable. It was equally a condition of "our going on together as members of one great Empire," that the parent State should "undertake the duties as well as the privileges of" the head of that great Empire, and that she had not done so in the case of New Zealand was but too painfully manifested. The colonists neither desired nor expected to continue burdensome to the taxpayers of this country. To be self-supporting as well as self-governing was their normal condition; but this, like every other general rule, was subject to exceptions, of which the mutually reciprocal obligation to afford aid and sympathy in time of war, distress, or difficulty was the chief. He believed that Her Majesty's Government recognized this obligation on the parent State, although the ill-advised course that had been pursued had induced a contrary opinion. He repeated his belief that the misunderstanding which had arisen was attributable not in any degree to lack of ability or lack of good intentions on the part of Her Majesty's Ministers, but wholly to the unsuitableness of departmental machinery. He had considered various schemes which had been suggested for rectifying that deficiency with the respectful attention that was due to the character and experience of the gentlemen from whom they emanated. Some had proposed to give the Colonies representation in that House; others, the establishment of a Council exterior to, and, as regarded certain great Imperial questions, superior to this Parliament; others, a Council of Advice similar to that which assisted the Secretary of State for India; and he had come to the conclusion that the noble Lord the Secretary of State for the Colonies was right in rejecting them one and all, either as impracticable or as inconsistent with the theory of the Constitution. On the other hand, it was a great error to suppose, as had been asserted by Earl Granville, that the Governors constituted the proper channel of official communication between the Governments of the great self-supporting Colonies and the Secretary of State. The Governors constituted a most suitable channel for conveying to the Colonial Cabinets the policy of Her Majesty's Government, and very potent instruments for promoting that policy; but, as the servants of the Imperial Government, dependent as regarded their future prospects on the favour of the Secretary of State, they were not, and never could be, suitable channels for advocating the colonists' case from the colonists' point of view at the Imperial Court. He was glad to find himself borne out in that view by the right hon. Baronet opposite the Member for Staffordshire, from whose recent very admirable work on *Colonial Policy* he would here read a brief extract—

> "It was true that Colonial Governors, however dependent their Ministers might be on the confidence of local representative bodies, are likely enough themselves to keep an eye on the policy of the Home Government, and tune their own course with it."

He would also avail himself of the concurrent testimony of one whose experience had been gathered, like his own, in the administration of Colonial Cabinets. Mr. M'Culloch, late Chief Secretary in the Colony of Victoria, had said, in a recent debate upon the relations with the mother country—

> "He deprecated the system which made the Governor, rather than the Ministry of the day, responsible for the despatches which were sent in reply to Imperial communications; these despatches, about which the people in the Colony knew nothing, were taken in England as expressive of the community here, when the fact was neither the people nor the Ministry had anything to do with them. This position seemed to him to be a wrong one which should not be continued."

For himself he believed that a very small alteration would suffice to adapt the present machinery of the Colonial Office for the efficient administration of affairs under the novel relations which the great development of the self-governing principle in modern times had brought about. What he believed practicable and also sufficient for the purpose was—First, to limit the veto upon acts of the Colonial Legislature to cases in which those acts infringed upon the Prerogative, or were inconsistent with treaty obligations; secondly, to permit such Colonies, as might elect so to do, to send envoys duly empowered and authenticated, who should stand to the Secretary for the Colonies on precisely the same footing which the envoys or *chargé d'affaires* of foreign countries occupied in their intercourse with the Foreign Secretary, to watch over the interests of their respective Colonies, entitled to be made cognizant of any measure in contemplation affecting them, and that, before the Minister had committed himself by any action to a particular course; entitled, moreover, to proffer advice and suggestions, which, being founded on personal experience, would prove invaluable to the Secretary of State, and secure him from falling into errors such as had recently been committed. What would be thought of a suggestion that Her Majesty's Secretary of State for Foreign Affairs, instead of being advised as at present by ambassadors or *chargé d'affaires*, duly authenticated from the Governments with which we have diplomatic relations, should be advised respecting the affairs of those countries by officers of his own appointing, who had neither special knowledge respecting those affairs, nor any mission to advocate the interests of those countries from their own special point of view; but, on the contrary, a direct interest to square their advice in accordance with the proclivities of the Secretary of State on whose favor they were dependent for future advancement? Surely no one would affirm that such an arrangement was calculated to perpetuate friendly relations; but, on the contrary, would expect from it the frequent occurrence of mistakes and misconceptions, giving rise to recriminations and antagonistic feeling. Yet this was precisely the machinery by means of which our diplomatic relations with the great self-governing Colonies were conducted. Every man of practical experience would acknowledge the immense advantage of personal interviews for preventing difficulties and irritations, and for smoothing them away when they arose, and he firmly believed that if either of the colonial statesmen now in this country on a special mission from New Zealand, had been authenticated from the commencement, and before the Secretary for the Colonies had committed himself to a particular course, that course would have been modified and the heart-burnings and alienation of feeling, which all must deplore, would have been avoided. It had been objected that the policy which he now advocated would tend to relax instead of drawing closer the bond of union. He would reply that the bond of union between the parent State and the now adult Colonies was not strengthened but strained by an unduly close association perpetuating the condition appropriate to nonage, and the conviction forced upon him by a long and varied experience in colonial affairs was, that the alternative lay between ultimate separation and the recognition of those Colonies on the same footing as foreign States in alliance so far as regards this matter of diplomatic relations.

He believed he had made out a sufficient case for inquiry. He had occupied the attention of the House at too great length. Conscious as he was of inability to do justice to so great a subject, he must thankfully acknowledge the kind attention with which the House had favoured him. Loyalty and patriotism were potent spirits, had worked wonders in times past, and might again; but they were spirits intangible, incorporeal — once evaporated they could never again lay hold of them. They were lost for ever. This consideration should temper and guide not only our dealings, but our tone of communication with our great self-maintaining and self-governing Colonies. A great opportunity now presented itself for consolidating, on an even and permanent basis, the union of their great Colonial Empire—an opportunity which, if allowed to pass away, might never return, for uniting those great self-governing communities with the parent State by the bond of a common allegiance, affording to each the advantages of common citizenship, and to both the strength of union in a great Empire. The hon. Member concluded by moving the Resolution of which he had given notice.

Mr. EASTWICK, in seconding the Motion, said, he must begin by expressing the hope that the support he wished to give to the hon. Member for Cambridge (Mr. R. Torrens) would not be weakened if it should appear that he differed from him in some particulars. It was one of the stock fallacies to allege that a proposition was unsound because all the speeches of those who supported it were not pervaded by the same idea. This fallacious objection was one of the arguments used against the hon. Member (Mr. R. Torrens) when he brought forward his Motion with respect to emigration on the 1st of last month. Surely it ought rather to make for than against them that they supported the same Resolution, although they might look at the question from different points of view, and arrive at their conclusion by separate routes. His (Mr. Eastwick's) view of the matter, then, was that, in order to show sufficient grounds for the appointment of a Select Committee to inquire into our political relations with the self-governing Colonies, it was not necessary to dwell upon what had occurred in New Zealand, and still less upon certain schemes which had been proposed for modifying our forms of communication with those Colonies. As for the withdrawal of our troops from New Zealand, it was only part of a policy, and if that policy was right it might be contended that we had done right in this particular instance. He said nothing of the time and manner of execution—that was a separate question, and he might have something to remark about it presently. With regard to the substitution of diplomatic for official intercourse with the Colonies of which they were speaking, and similar alterations, the appointment of a Colonial Council like the Council of India, or colonial representation of any other kind—although it might be very proper that a Committee should examine these schemes and report upon them—he at once avowed that he did not attach much importance to them, or expect any signal advantage from their adoption. Granting that the objections to them could be got over—and he did not see how they could—we could no more arrest with them the movement that was now going on than we could anchor a ship with a packthread. As for the diplomatic idea, there was an incongruity in a dependency, even if it were a self-governing dependency, sending an envoy to the Imperial Government, to which he could not completely reconcile himself. Then, he saw a difficulty in establishing a rival line of communication to that we already had through the Governors. Lastly, and above all, the very favour which would be here shown to the envoys, if they were—as no doubt they would be—men deserving of it, would expose them to unjust suspicions in the Colonies, and impair their influence. With regard to the Colonial Council, that was an idea which more commended itself to his mind. It had been said in "another place" that there was no analogy between our Colonial and our Indian Empires; and that was true if they were compared *en bloc.* But just as India was all despotic, so the colonial groups were all democratic, and were in much the same stage of advancement. The plan, too, had been tried in France, where a *Comité Consultatif* assists the Minister, and he believed it worked well. It had also been discussed in the Colonies, and was viewed there, as he learnt from the last newspapers, without disfavour. He saw nothing against it except one objection, which, however, he feared was fatal. He would express it in the words of Sir William Molesworth—

> "All experience in the Colonies proves that the most influential persons lose their influence immediately on becoming nominees."

The recommendation of the Council would, therefore, give no additional weight to any measure. Representation of the Colonies in the Imperial Parliament had been tried by France, and still existed in the case of Spain and Portugal; but he did not think that precedents drawn from those countries were likely to be very persuasive in England. The taxation difficulty might be got over, perhaps, by giving the colonial representatives only a limited right of voting. But he did not know whether the Colonies would appreciate such a boon, and he believed that there was no chance of the people of this country consenting to it. He, therefore, passed over all those matters, and came to what he considered the real ground why a Select Committee should be appointed to inquire into our political relations with the self-governing Colonies. This he found in the fact that we are now entering upon an entirely new stage of colonial policy, the issue of which appeared to him extremely doubtful—so that we ought not to neglect any precaution lest we should take some fatal and irretrievable step. In order to see that the present policy was entirely new and untried, let the House look back on the past history of our dealings with the Colonies, and it would be seen that there had been nothing like it before. He found it mentioned in the instructive volume on the Colonies, published by the right hon. Member for North Staffordshire (Sir Charles Adderley), that a high authority on colonial matters—the late Mr. Ellice—used to say there had been three periods in our colonial policy. There was first the *aurea ætas*, so much extolled by the right hon. Gentleman at the head of the Government in his remarkable speech of the 21st of May, 1852. That Golden Age was the period when England allowed the Colonies to govern themselves; but no one would say that she even dreamt of separation. There was a flaw in that otherwise perfect system; but that very imperfection showed that England meant to continue to avail herself of the union. She imposed on the Colonies commercial regulations which were devised rather in the interest of this country than in the interest of the Colonies. That brought them into the second period, when, by tampering with their self-government, England lost some Colonies, and was frightened into governing the rest more strictly, taking the expense on herself. It was true that, under that policy, so far from losing ground, she even went on acquiring other Colonies in place of those she had lost; but she threw away the chance of establishing an Empire, the power and splendour of which we could now—to use the words of the right hon. Member for North Staffordshire—"only regretfully conjecture." The third period was ushered in by the celebrated Report of Lord Durham, in 1838. That Report showed that the stricter and more interfering our Government became during the second period the worse they made matters. After the great rebellion which severed England from the United States we did not lose any more Colonies; but we crushed the life out of those we kept. So, though this country continued to defray the expense, she began to go back to the policy of the first period—that of allowing her colonial dependencies to govern themselves; but it was with halting steps, as was natural in a retrograde movement. Lord Grey's history of his own Administration showed that there was a constant recurrence to the paternal system of interference. On the other hand, England sometimes travelled too fast, and removed restrictions without reserve where she might have made useful stipulations. For instance, she made no stipulation for free trade, though it was an Act of the Canadian Legislature in 1843 which was the first step to the repeal of the Corn Laws in 1849. Perhaps it was natural that Lord Durham's Report should have given rise to a policy of a mixed and nondescript character. It was inspired by Edward Gibbon Wakefield, written by Charles Buller, and signed by Lord Durham; so that it was not surprising that the policy which sprang from it was of uncertain hue, just as neutral tint is made from a combination of colours. But in these three stages of colonial policy there was no idea of separation. Our colonial policy was now entering on its fourth stage or age, in which England was to leave the Colonies entirely to themselves, to withdraw her troops from them, to throw off all expenses on their account, and gesticulate, if we do not say, farewell. He hoped that this fourth age would not prove the

> "Last scene of all,
> That ends this strange eventful history,"

in which England would be left in dotage, *sans* everything. It was precisely because he entertained considerable apprehensions of this result that he supported the Motion of his hon. Friend for a Committee of Inquiry. He feared it would lead to a state of affairs in which we should find ourselves bereft of all our Colonies. Our policy was not to interfere in any way with our Colonies, to withdraw our troops, and to relieve ourselves from all anxiety and expense with regard to them. It was not difficult to show that the Colonies were of vast importance to England; and if they were we ought surely to embark in this new policy with the greatest caution, looking back to the errors and warnings of the past, and not rushing from one wrong system into the opposite error. A policy which might end in stripping us of all our great colonial possessions ought not to be decided upon without the fullest deliberation, not only of Her Majesty's Ministers, but of this House, of the whole Legislature, and of the nation. For several months past there had been indications of a growing attention to this matter on the part of the public, which, he was sure, would not be satisfied unless it was referred to the consideration of a Select Committee. He should imagine that Her Majesty's Ministers would themselves be glad to be relieved in this way of some of the responsibility which at present attached to them with respect to this change they were inaugurating. Did they doubt that if, even with the best intentions, they should make a false step at the present moment they would incur odium which all their services in other directions would not remove—because by a mistake here they would have inflicted injuries on the whole Empire. He said "the whole Empire," for though it was the fashion to speak of separation from England as a matter of indifference, and even of advantage to the Colonies, when they had reached a certain development, it could be shown that such a step at any period was just as likely to be injurious, and, perhaps, disastrous to them, as it would certainly be prejudicial to the mother country. It might sound very attractive to say that we would concentrate our Army at home, rely upon our naval superiority to defend any part of the Empire that might be threatened, and relieve ourselves of all anxiety and of all expense. This might be a grand attitude if it were adopted on the principle of *reculer pour mieux sauter;* but he feared it was only meant that we were to die cheaply in a corner. But whatever the intention, he asked, will this policy apply at once to all these self-governing Colonies, and equally to those where there are large Native populations as to those where there are none? Have we entered into no engagements and incurred no responsibilities which should prevent its application even were all else favourable? Let the House see how this was—and take first the case of Australia. Here he admitted that there was no strong objection to the new policy. In Victoria, for example, there was nothing whatever, as far as he knew, to be said against it. That was a Colony with no Native population, with an ample revenue of £3,000,000, and with abundant means of defence. The Colony itself had spent £1,000,000 in fortifying its noble harbour, which would soon be safe against any enemy. England had most liberally and properly presented the Colonial Government with a turret-ship of 3,000 tons, carrying four 600-pounders. At all events, we contributed £100,000 towards its construction, while the Colony did the rest. Victoria had another man-of-war, a training-ship, a naval reserve, 5,000 excellent soldiers, 20,000 more on the rolls, and 100,000 men who would fight in case of invasion. Victoria had received from England a flag, and we had saluted it. She offered us a regiment in the Crimean War, and sent a contribution of £50,000 to the Patriotic Fund. Victoria, then, was not a weakness to us, but a source of strength and glory, and she had no wish to leave us. She did not require our troops; but if she should ever need assistance he hoped we should give it with our whole heart and strength.

The next case was that of Canada; and here, he confessed, it seemed to him the scale began to incline the other way. It would take some years before the Dominion was thoroughly cemented; and it seemed as if the Fenians were determined to wreak upon the Canadians the hatred they bore to us. While we talked of withdrawing our troops we were guilty of a manifest inconsistency in sending an expedition to the Red River; but we should be guilty of something worse if we did not send it. The Canadians did not wish the troops to be withdrawn; the station was popular with our soldiers; it was cheap and healthy, and regiments had fewer men in hospital there, he believed, even than when in England. It seemed, moreover, most inopportune to deprive Canada of the means of naval defence at this moment. Instead of presenting Canada with a turret-ship as we had done Victoria, we had withdrawn even our gunboats from the Lakes, and had left the frontier defenceless. Canada had need of those boats, had need of some of our best men-of-war's men as instructors and as the nucleus of a naval force. Canada was the third Power in the world as regarded shipping and seamen—she could man any number of vessels of war that we could spare. His hon. Friend the Member for Chelsea (Sir Charles Dilke) had spoken of Canada as a country which existed only by sufferance; but that seemed hardly consistent with the assertion of Martin's *Statesman's Year Book*, that in 1871 Canada, with its affiliated Provinces, would have a population of about 5,000,000. Did a nation of 5,000,000 of Englishmen, backed by 30,000,000 more, and the most powerful Navy in the world at their back, exist on sufferance? A right hon. Gentleman (Mr. Lowe), who was a greater authority on financial than on military matters, had spoken of Canada as a source of weakness to us. Was an outpost of 40,000 soldiers, with a reserve of several hundred thousand men, a weakness? He would not venture to oppose his opinion to that of the right hon. Gentleman; but he would refer to the Report of the Committee of Foreign Relations held at Washington in February, 1841, which estimated the position that Canada and other Colonies give us at a million of men under arms. As soon as the Confederation of our North American Colonies was complete Canada would not require our troops; but why give offence by speaking of withdrawing them now?

The next case was New Zealand; and here there was a Native population, which at once created a difficulty. His hon. Friend (Mr. R. Torrens) had gone so fully into the matter that he should content himself with saying that as the 18th Regiment had only moved to Australia, where it was not wanted, he thought it had much better have been left where it was so urgently needed. But if the troops must needs be withdrawn, why reject the alternative which the New Zealand Commissioners proposed, to solve the difficulty by encouraging emigration? If we would guarantee the Treasury Bills of the New Zealand Government to the extent of £50,000 a year for five years even, the difficulty would be at an end; and we should have expended nothing. But he did not complain so much of the withdrawal of the troops as of the ungracious manner in which it was done, which had alienated not only New Zealand, but Australia, and of the arguments by which it was justified. The noble Lord who was at the head of the Colonial Office (Earl Granville) said in "another place" that had he left the troops in New Zealand they must have been employed, because they would not have had the moral courage to resist appeals for help when outrages and barbarities were practised. That argument was utterly unsound, because the troops had been there for the last three years and had not acted, though massacres and disturbances had occurred. It was an argument which appealed to the chivalrous sentiment, and would have been a very proper argument at the time when our policy was really liberal and magnanimous, when we were defraying a great part of the costs of the war, and chivalrously defending the colonists. But when we came to higgle over the price of our soldiers, and to say that we would let them have them for £55 a piece, and we would not let them have them for £40, and so on, the argument seemed to him out of place. England was now "travelling third class," and he objected to our entering a compartment for which we had not paid.

Next came South Africa, and here he thought the policy of the Government entirely broke down and deserved the severest censure. Here we had a Native population three or four times as numerous as the European, and the fiercest antipathies of race. Here we had entered into engagements which we were bound in honour to observe. We had distinct pledges like that of May 12, 1843. He was quoting from a proclamation of the Governor-General that "the expense of maintaining a military force adequate to its, the colony's, protection will be borne by the mother country." He had carefully read through the Papers presented to Parliament in May, 1869, and on the 21st of February this year, and he was confident that anyone who would take the same trouble would be astounded at the monstrous inconsistencies and discreditable transactions in which we had involved ourselves by this save-all policy. Let him state a very few facts. On the 23rd of February, 1854, we entered into a convention by which, to use the words of Sir Philip Wodehouse, the Governor—

> "Her Majesty's Government forced the people of what was then termed the Sovereignty, in opposition to the decided wishes of the majority and of the most intelligent, to set up an independent Government."

We did this knowing that the people, released from control, entertained a fanatical hatred of the Natives, and were uncompromising supporters of slavery. Yet we set up this Orange River Free State, and allowed another similar republic to be established in its immediate neighbourhood. Immediate and incessant war and all the horrors of the slave trade followed as a matter of course. The Dutch farmers of the Orange State immediately entered into a war of extermination with all the Native tribes in proximity to them, and especially against the Basutos, a loyal tribe, with whom we had entered into many treaties, and among whom a number of French Protestant missionaries, with their families, had taken up their abode. When these Basutos were getting the better of their cruel persecutors we interposed, and in the interests of these freebooters effected a peace on the 28th of May, 1858. The war broke out again; the young men and women of the Basutos were slaughtered, their children enslaved, nameless atrocities were perpetrated, so that the tribe of 100,000 souls was at last left with only 6,000 acres that could be cultivated, which meant starvation. As it was thought inconvenient that crowds of starving wretches should cross our frontier, we again interposed, and on the 13th of January, 1868, took the Basutos under our protection as British subjects. But the Dutch freebooters cared nothing for our proclamation. They prosecuted the war with vigour, burnt such crops as were left to the famishing Natives, and would not desist until by the treaty of the 12th of February last year we made over to them the best land of the tribe, including two of the stations of the French missionaries. Meanwhile, the kidnapping and enslaving went on just as it did in the days when Dr. Livingstone reported that these Dutchmen, besides killing a considerable number of adults, had carried off 200 of his school children into slavery. And now having established a slave trade at the Cape, which was in some respects worse than that we had spent millions to suppress on the West Coast of Africa, the Government had announced its intention of withdrawing the troops, and handing over the whole immense region to the tender mercies of the Boers, and, as the English colonists fear, to the dominion of Holland. He held in his hand the copy of a letter from a member of the Legislative Council at the Cape to the Premier, which he need not read, because the state of facts spoke for itself. He hoped the House would not assent to such measures, and that, at all events, it would direct inquiry to be made into the truth of these statements. He hoped it would not accept the pounds, shillings, and pence view of the question, which some hon. and right hon. Gentlemen wished to substitute for all others. He objected to that view, believing, in the words used by the right hon. Gentleman at the head of the Government, when, speaking upon May the 21st, 1852, he said—

> "The great interest and purpose of England in colonizing is the multiplication of her race, and not to extract from them some miserable and contemptible pecuniary benefit."—[3 *Hansard*, cxxi. 956.]

For the sake, however, of those hon. Gentlemen who preferred that low view, he should wish to present a debtor and creditor account with the Colonies. Unfortunately the right hon. Gentleman who represented the Colonial Office in that House (Mr. Monsell), while he was very careful to show how much the Colonies cost, was equally careful not to show how much they brought in. Why should this be? Why, as they have a Home financial statement and an Indian financial statement, should not a Colonial financial statement be also furnished? This country was as much interested in the Colonies as in India. He held in his hand a statement drawn up by the Hon. Secretary of the Working Men's Association, showing the trade statistics for 1866. From this it appeared that the Colonial Debt, all of which we hold, amounted in that year to over £48,000,000—it was now over £50,000,000—and that our trade with the Colonies was £60,646,181—£9,000,000 more than that with the United States. And this Colonial trade was rapidly increasing, while our trade with the States was diminishing, in consequence of the unreasonable restrictions imposed. Besides this, there were at least £100,000,000 of British capital invested in the Colonies, the income from which was spent in this country. On the whole, it could not be said that we drew less than £10,000,000 a year from the Colonies clear profit; while all that the right hon. Gentleman (Mr. Monsell) could show on the other side was £2,005,890, and, deducting the cost of regular troops, now to be withdrawn, and under all circumstances an expiring charge, £425,403. It might be said that these investments would be as safe if the Colonies were independent and separate as they were now. But no guarantee for this existed, save the assertion of those who said so. On the other hand, was there no danger, if the Colonies separated from us, of profuse expenditure, of repudiation, of intestine wars and foreign wars? The Colonies, at least, were not of this opinion, for they were agitating for being considered neutral ground, valueless as such a declaration would be if the necessities of war once arose. Our investments were now absolutely safe; they could not be as secure if the Colonies had no protector. He would not venture to probe this matter further. He would only say that if the Colonies were of immense value to us financially, they were of incalculably more value to us politically and morally. By them we had spread over the world the language, the free institutions, and the glory of England; and now, when they were becoming an irresistible strength to us—a strength which was reckoned years ago at 1,000,000 of men under arms, and had gone on increasing ever since—we were invited to push them from us because some Members in the Cabinet regarded them as of no value. There was no necessity, he maintained, for separating from our Colonies to the end of time. As the keystone of a great Confederation we were even more valuable to them than they were to us, great as their value undoubtedly was; and all this talk of separation never would have arisen had it not been for the indiscreet language of our own statesmen. This he would attest by citing one extract from the Report published at Montreal of the great meeting in the county of Shefford, held last autumn, to consider the question of declaring the independence of Canada. The Hon. Mr. Huntingdon said—

> "We are merely taking up a discussion which has been opened by the leading minds of England. Are" (here the Report mentioned three members of the present Cabinet), "disloyal? And if the discussion is proper and loyal, then, why should disabilities hang over those who engage in it in this country? . . . We are but participators in a discussion which Englishmen have promoted, and in which their interests are blended with ours. Had it been otherwise, if England were anxious to maintain and perpetuate the connection, if she dreaded the change and deprecated the dismemberment of the Empire, our lips would be sealed, and we should seek only such amelioration and advancement as we could legitimately achieve within the power and the jurisdiction of the realm."

Motion made, and Question proposed,

> "That a Select Committee be appointed to inquire into the political relations and modes of official inter-communication between the self-governing Colonies and this Country, and to report whether any or what modifications are desirable, with a view to the maintenance of a common nationality cemented by cordial good understanding."—(*Mr. Robert Torrens.*)

VISCOUNT BURY said, he should confine himself very closely to the terms of the Motion of his hon. Friend (Mr. R. Torrens), and should not enter into the doings of the various Colonies which governed their own affairs at the other side of the globe. His hon. Friend had given them a very able *resumé* of what had happened in New Zealand in the course of the last few years, and had based upon these transactions an argument in favour of a Committee to inquire into the doings of the Colonial Office. All that might be very true—and in the main he agreed with his hon. Friend, and disagreed with the course which the Government had taken with regard to New Zealand; but that matter was brought before the House last Session, was fully debated, and was decided against the view which he (Viscount Bury) entertained. To import a New Zealand debate, therefore, into the present discussion was to prevent their ever arriving at a satisfactory conclusion. New Zealand managed its own affairs; and when the responsible Ministers of that Colony came forward to repudiate the interference which Members of the House were willing to exercise on its behalf, and to say that there existed no colonial question, and that they were perfectly satisfied with things as they stood, the mouths of persons in this country were stopped, and they would only render themselves ridiculous if they kept on assuring colonists at the other side of the globe that they were very much ill-treated. Mr. Fox, the New Zealand Minister, in a memorandum referring to certain communications which had been addressed to the Government of New Zealand, among others, by persons in this country a short time ago, entirely repudiated the proceedings then taken, and said that his Government could be no party to any action which might have for its object the assertion of a position different from that assigned to the Colony by the Constitution, or which might weaken the union between the parent State and its offspring. He did not see that the hon. Member who introduced this question had suggested any fresh machinery for managing the affairs of this country and the Colonies; and he really believed the appointment of a Committee such as the hon. Gentleman advocated would not facilitate or advance the object which he seemed to have in view. No doubt the primary object of his hon. Friend, like that of every other Member, was to maintain intact the relations now existing between Great Britain and her Colonies; but that object was not likely to be attained by frequent discussions, by constantly laying bare what were believed to be the secret woes and secret wounds of the Colonies, by telling them there were people in this country who believed that they were ill-treated, and by allowing expressions to be used which might convey to their minds that to some of those living in this country the connection existing between Great Britain and her Colonies was distasteful. Having given up the last rag of compulsion as regarded the Colonies, that was not the way to perpetuate the union now existing as a purely voluntary tie. It would be acknowledged that the immigrants into the Colonies retained that spirit of self-reliance, and even of self-assertion, which was generally regarded as characteristic of the Anglo-Saxon race; therefore, to let them suppose that we believed that they hung upon our skirts, wishing to impose upon us duties which they ought to perform themselves—that they were an inconvenient incubus to us—was not the way to maintain our present connection with them. The tie between England and the Colonies was a purely voluntary one; but there must be danger in allowing the present state of uncertainty to continue, and he thought these constantly recurring debates, and still more the appointment of the Committee now moved for, would have a most disastrous effect. He agreed with his hon. Friend that the colonists were originally very loyal to the Crown; but he could not concur with him that the sentiment of loyalty was now somewhat diminished. In proof of his assertion, his hon. Friend had cited some words used by Sir Alexander Galt. Now, he desired to speak with all respect of Sir Alexander Galt, whom he had known for 20 years; but it was no secret that Sir Alexander was one of the original Canadian annexationists; and although he had since occupied places of trust, dignity, and emolument in Canada, it might be fairly assumed that he had never entirely laid aside his former opinions. It was also perfectly well known that when Sir Alexander Galt used the words in question he was under the impression that Canada had not been altogether well treated. A just idea of the state of public opinion could not be conveyed by fixing on the words of a solitary individual whose antecedents would lead everyone to conjecture what his sentiments would be, and by ignoring the opinions expressed by nearly all the leading men in the Colony. Then Mr. Huntingdon, whom his hon. Friend had also quoted, had delivered speeches of such a nature that it was not fair to bring him forward as a specimen of a loyal community, because he had very openly expressed his opinion in favour of a dissolution of the connection between this country and the Colony. Against these two instances adduced by his hon. Friend he would put the universal, constantly-expressed, and well-known loyalty of the Canadian people. The enthusiastic reception they lately gave to the son of our Sovereign was owing not to mere curiosity and a gaping after Royalty, it arose from the fact that in Canada loyalty was elevated to a passion. His hon. Friend had also alluded to the language used by Mr. Gavan Duffy in another part of the world; but something was known of that gentleman's political antecedents, and if he retained the opinions which distinguished him in 1848, he certainly was not the kind of man who ought to be selected out of the whole of Australia in order to stigmatize a loyal people as evincing some tokens of disloyalty to the Crown. No doubt it was true that all systems of colonization tended eventually, and by slow degrees, to separation from the mother country. All history showed that. The Spaniards ruled their dependencies by means of an aristocracy to whom were committed the liberties and almost the lives of almost all persons who had the misfortune of not being born in Spain. They oppressed the Creoles and the Indians, and put religion and intellect under a thraldom which almost annihilated religion and intellect in the Spanish Colonies. Still, the final result was the independence of those Colonies. Look, again, at Brazil, which was erected into something like an integral portion of the monarchy. A ray of light was allowed to penetrate into the darkness of the Brazilians. Some encouragement was given to literature, art, and agriculture, and to a certain extent they were free. The result, however, was precisely the same — independence. Again, the French, a people peculiarly gifted with the power of assimilating themselves to aboriginal races, adopted in America the policy of keeping their colonists in subjection. When, however, French America passed into our hands that system was entirely reversed, and the people were encouraged to combine, to deliberate, to debate, and to govern themselves; but both systems tended—as in his judgment all systems must—to the subversion of metropolitan authority and the eventual independence of the Colony when it was fitted for it. We could not successfully contend against that law. He maintained, however, that our Colonies were, at the present moment, independent and free, although there existed between them and the mother country a tie which might be, if properly treated, so potent for good and so powerless for evil that he could see no reason why it should be ever broken. A friend of his in Scotland, the best sportsman he ever knew, once showed him a cobweb with which, for a wager, he had killed trout, depending not on the strength of his tackle, but on its elasticity. Now, he maintained that the connection between ourselves and the Colonies, fine and cobweb-like though it was, was yet firm and elastic enough to enable us to pass through many troubled years if we only recognized the fact that we were dealing with free men, with whose own concerns we ought not to interfere. This was, in fact, the principle on which we had acted during 30 years. We simply retained the power of veto, and this was the precise power which, in his hon. Friend's opinion, ought to be relaxed. He was unable to concur in that opinion. A few years ago he moved for a Return of the number of occasions on which that power had been exercised in British North America since 1840. From that Return it appeared that the power of veto had been only exercised twice in 1842, and twice in the following year, and then in regard to most unimportant matters. The last time the veto was exercised was exactly 25 years ago, when it was used to negative an Act that had been passed for the dissolution of the marriage of a man named Harris "and for other purposes therein mentioned." If then, in the course of 25 years, no Act was passed in Canada that demanded the exercise of the veto of the Sovereign, or if there had been such Acts and the veto of the Sovereign had not been exercised—in either of those cases it would seem that the power of the veto was superfluous; but in either view also it was clear that the veto was not exercised to such an extent as to jeopardize in the least degree our influence over the Colonies. There was the case of the Clergy Reserves which occurred a short time ago. In 1791 the Constitution Act reserved to the clergy one-seventh of all the ungranted land in Canada. The Canadians afterwards became discontented with the way in which these lands were administered, and wished to forfeit them in total disregard of the rights of the existing incumbents. How did Earl Grey act on that occasion? He stated the case with very great skill, remarking that the colonists might rely on the adherence of the British Government to the principles which they had lately observed in the exercise of their authority in the Province. What were those principles? Lord Grey's despatch, in which he announced the assent of this country to the Clergy Reserves Act, gave the answer. He said the question whether the existing arrangement was to be maintained or not was one exclusively affecting Canada, and that the decision of the matter ought not to be withdrawn from the Colonial Legislature. In other words, the Government looked upon the existence of a National Church as a purely local question, with which it was not their duty to interfere. Lord Grey dared not veto the Bill, for he knew that the exercise of the veto in that case would be followed by separation on the part of Canada. He (Viscount Bury), therefore, contended that the argument of his hon. Friend the Member for Cambridge (Mr. R. Torrens), to the effect that the veto of the Home Government, as at present exercised, was dangerous to this country was plainly out of place, inasmuch as the veto itself was entirely nugatory. Again, there was the Militia Act. We had sent over the flower of our troops to Canada in 1862 to assist the colonists—no doubt for certain purposes of our own. They, however, acting as free men with reference to their own country, and without reference to England, threw out the Bill which was introduced with the object of providing the nucleus of a militia, and we had not dared to put a veto upon their conduct. We knew the colonists were, in point of fact, independent, and we had left them to manage their own affairs. That was the position in which our relations with the Colonies must continue to remain;—for it was not to be supposed that they would withdraw from their position of freedom, or give us a greater hold over their internal affairs. If it were even possible that they could do so, we should not wish that they should, so that if any change were to be made in our relations with them it could be only in one direction, and that would be to get rid of the last vestige of our supremacy — the allegiance which they owed our Queen, the one great link by which they were now united to the mother country. His hon. Friend, he might add, ought, in order to justify the House in appointing the proposed Committee, to show that there was some political grievance existing in the Colonies, and that if the steps which he suggested were adopted that grievance would be removed. He had, however, done nothing of the kind. But before he alluded further to the Motion of his hon. Friend, he (Viscount Bury) wished to be allowed to say a few words by way of personal explanation with respect to his connection with a certain committee which had been organized to obtain a meeting here of delegates from the various Colonies during the winter. He was no party to sending out the original circulars of Messrs. Youl, Sewell, and Blaine; but afterwards, when some of the members of the committee consulted him on the subject, he felt that the only way in which any good could be done was that they should put themselves in communication with the Government, and through the Government with the Governors of the various Colonies; for there was no use, in his opinion, in resorting for information to the only other source from which it could be obtained, the Opposition in the Colonies, who might, indeed, give details of certain grievances, which, however, as soon as they were mentioned at home, might be repudiated by those who were in power, and who possessed the confidence of the people whom they represented. The advice which he had thus given was apparently agreed to; but a sort of colonial "Cave of Adullam" came to be formed at the East-end of the town, around which every description of colonial discontent appeared to have a tendency to crystallize itself. He could, under the circumstances, only dissociate himself as quickly as possible from what he believed to be an utterly false move; and he thought it was due to the House that he should have stated how the circumstances of the case really stood so far as he was concerned. Having said thus much by way of personal explanation, he might mention that the communications which had been sent to the various Colonies by the committee to which he referred had been replied to by a few of them. Some of those replies he had already read; but he might add that in one of them, dated from Government House, Brisbane, it was stated that the Government of the Colony saw no reason for altering the present mode of communication on subjects of mutual interest between them and Her Majesty's Government. That was another Colony which repudiated the idea that there was any colonial question, or that the existing relations between this country and the Colonies required re-modelling—thus throwing over his hon. Friend the Member for Cambridge and his Motion altogether. He held in his hand a memorandum which was furnished by a distinguished Canadian, in which, referring to that Motion, he said—

> "On that part of the first point which may be embraced in the words 'political relations' I make no other observation than that I believe the great body of the colonists are satisfied with them; that it is their earnest desire to continue them; and that they will not readily part with the prestige or advantage which is their birthright as British subjects. But if time and altered circumstances require it they will be ready to readjust the conditions of the relation so as to adapt them to any new requirements."

Those were the words of an ex-Minister of Canada, who added—

> "In reference to the latter branch of the subject—'the mode of carrying on communication with this country'—I do not think that any serious dissatisfaction exists, or that there is any ground for it. Some party or individuals in a Colony may occasionally, from personal disappointment or for political purposes, complain of the Colonial Office; but those who have had the responsibility of conducting affairs have rarely, if ever, had occasion for dissatisfaction, and I can suggest no machinery by which the very varied, delicate, and often difficult questions claiming the consideration of the Colonial Department could be better or more speedily dealt with."

Now, that being so, what would be the effect of a Committee if appointed? He had heard various opinions expressed in that House as to the value of the connection between the Colonies and the mother country, and if the Committee were composed with any fairness all those sections of opinion must be represented upon it. Under those circumstances, it would be perfectly easy for any Member of the Committee to have recorded in the short-hand writer's notes whatever evidence he pleased. He would simply have to call witnesses whom he knew concurred in his peculiar views and to ply them with questions until the answers which he received were completely to his satisfaction, and such as he could afterwards triumphantly appeal to to refute his adversaries or to support his own suggestions. As well, he contended, might a short-hand writer be set to take down the gossip of the smoking-room to be subsequently used to prop up a particular theory. Great as might be the danger of debating in that House such delicate and ticklish subjects as the relations between Great Britain and her Colonies, he said the previous deliberation that would be given to opinions such as that by being placed on record in the form of evidence supplied by a Committee of that House would be still more dangerous; and for that reason, if for no other, he should be entirely averse from the appointment of a Committee. The Government ought to have the whole responsibility in dealing with such an important matter, and if the Government believed there was anything that ought to be inquired into, let them issue a Royal Commission on their own responsibility. If any change at all in the relations between us and our Colonies was to occur, it must be in the direction either of a separation or of a concession on the part of the colonists of some portion of their autonomy. This country had nothing to concede; she had already conceded everything to the Colonies, reserving simply to herself the veto and the recognition of her Sovereign as liege lord. Would the colonists give us any concession? He thought not; but the answer lay in the value the Colonies would attach to their connection with this country. What were the advantages to the Colonies of that connection? First of all, there was the prestige of belonging to a great nation, and of forming part of a great Confederation: secondly, they had no expense for diplomatic relations, and in all matters arising between them and foreign countries they spoke through their English representative with much greater effect than they possibly could if they were isolated republics, speaking only with the weight that would attach to 2,000,000 or 3,000,000 of people. Next, there was the consideration of the protection of the British flag. Of course, a weak Power always stood in some danger of being interfered with by meddlesome or aggressive people; and if the Colonies belonged to a great nation or Confederation, of course they enjoyed a very great advantage. The Colonies, he believed, would give a great deal to retain those advantages; but there was another consideration which he thought outweighed them — namely, that they lived under a constitutional monarchy. No one who had lived in a Republic, no one who had lived in America and had seen how the whole machinery of life was stopped by the constant canvassing going on for the Presidential election and by the constant "caucusses" — no one who had seen how the turmoil attending the election of one President began afresh on the day that he was installed — but must admit that to spare a nation the necessity of every three or four years electing its chief officer was to confer on it at once one of those solid blessings which it was impossible to over-value. He could not resist quoting a few lines from an author who, a few years ago, sat in that House —which he entered at a period of life when the brilliancy of his wit was somewhat dimmed by age — Mr. Justice Halliburton. "Sam Slick" said the Sovereign of the British Empire was the head of his people and not the nominee of a party; he was not supported, right or wrong, by the one party that chose him, nor was he hated and oppressed, right or wrong, by t'other party because they didn't vote for him; but he was loved, and regarded, and supported by all with a feeling that they knew nothing of in their country (the United States)—namely, loyalty. For the advantage of living, therefore, under our constitutional monarchy the Colonies would, he believed, be ready to sacrifice much; but they ought not to sacrifice one jot or tittle of their autonomy as freemen. And what, on the other hand, did England gain by her connection with the Colonies? She gained what was not to be despised — the alliance of 7,000,000 of people in all parts of the world. We could look around and see in all parts of the habitable globe that we had active men, not foreigners, into whose nation we could enter with all the advantages of being English subjects. What would be the result if we abandoned our Colonies? Suppose we had any dispute with the United States, and that Canada was in the position of a neutral—it must be remembered that part of Canada was within a few day's steaming of Ireland; and if we were not in possession of any portion of Canada, not only should we not have a place where we could refit a ship-of-war, where we could coal and have a naval station, but we should offer our enemy a secure base of operations against Ireland within a very short distance of our coast. We should have no place nearer to us than Bermuda; and recollecting that Bermuda was situated near the American Coast, did we suppose that, blockaded and attacked as it would be, it would long remain a naval station for us? No; it would fall into the hands of our opponent. Then, with Canada and Bermuda gone, did we think we could hold the West Indies? Some might think that did not much matter; but once our Empire began to crumble away, and we had lost Canada, Bermuda, and the West Indies, would Australia remain with us six months afterwards? He trowed not. He believed the importance of this country retaining her connection with Australia now was as nothing compared with what it would be when Australia teemed with population, and doubled and trebled her wealth and power as she would do. We had great and increasing relations with the whole of the East—with China, Japan, and the various stations in those Eastern seas. An able writer—Mr. Merrivale—in *The Fortnightly Review* the other day, said that in looking at that subject he quite lost himself in the contemplation of the importance of our trade and our relations with that vast collection of islands and with the countries in the Eastern seas, and that he could not overrate the importance that Australia would be to us in the future. He (Viscount Bury) entirely endorsed that opinion; and it should be remembered that if we lost one of those Colonies we lost them all. It was sometimes urged that the Colonies were a burden to us, or likely to be so in the event of war. There had been several cases in which Canada had been almost involved in war through her connection with us. The Oregon boundary question was one of them—a question which Canada did not raise, nor was she primarily interested in it. The Oregon boundary dispute would have equally arisen if Canada had lain many fathoms below the sea. Again, in the San Juan difficulty, and also in the *Trent* affair, Canada, through no action of her own, might easily have been engaged in war with the United States. In connection with what was called the Enlistment question, a person living on the boundary of Canada very nearly succeeded in involving us in complications with the United States; and throughout the Crimean War, and afterwards through the American War, the Government of the United States—not once, but repeatedly, and in the most enthusiastic terms—thanked the Government of Canada for the way in which they discharged their international obligations and prevented the possibility of dispute. There were also the *Alabama* and other disputes; and in all these Canada was involved as the possible theatre of hostilities in the event of war; but in none of these cases did the fact that we held Canada as a British possession in any way complicate matters. Therefore, in time of war or of possible war, Canada had never been anything like a source of weakness to us. Great stress had been laid upon the difficulty and alleged impossibility of our defending Canada; but the elements of climate and of distances had not been sufficiently considered. It must be remembered that St. John's, a well fortified place, was 250 miles from Halifax; Halifax was 600 miles from Quebec; Quebec was 200 miles from Montreal; and to reduce all these places, and occupy them permanently, or even temporarily, an invading Power must detach separate fleets and armies. When we remembered that, in the civil war between North and South, it took three years for the North, with its naval preponderance, to get possession of the Southern arsenals, could we anticipate that St. John's, Quebec, and Halifax, all strong citadels, would fall so easily as some assumed they would? It was forgotten that siege operations could not be continued during the winter, but must be suspended, and then renewed in the spring, for supplies must be drawn across lakes which in winter were impassable for sleigh or boat. No doubt, if disloyalty were developed among the Canadians we could not hold Canada, which contained as many fighting men as the Southerns were able to bring into the field; but it would be impossible for that number of fighting men to be so entirely overwhelmed by any force which an invading army could bring against them as to enable that army to hold Canada for any considerable time; and he was confident the loyalty of the Canadians, so long as they believed we earnestly desired to maintain the connection with them, would induce them to make any sacrifice rather than sever it. Again, he believed that aspirations after national unity and love for the mother country had not yet become wholly extinct in either the individuals or the communities of our race; and he knew that the more democratic opinion grew the more firmly it became attached to nationality. A citizen of the United States always spoke with pride of "my country;" and in that respect they were an example to some of us. There had recently been published, on the Motion of the hon. and gallant Member for

Aberdeen (Colonel Sykes), a Return showing the expenditure on colonial account from 1858 to 1867, from which wrong conclusions might be drawn unless it was carefully analyzed. In the first place, it stopped at the year 1867, and did not show the great reduction made since that time. The chief outlay would appear to be in British North America, to which an average of £797,670 per annum was chargeable. But the interval included in the Return was, from exceptional causes, the most unfavourable. It embraced four events—the *Trent* affair, the complications arising out of the American War, the Fenian invasion, and the outlay on construction of permanent works at Halifax and Quebec, now nearly completed. The Return showed in British North America an outlay in 1867-8 of £1,266,000, of which £100,000 was for permanent works, about £50,000 for barracks, and a like sum for naval charges, which, in 1861, amounted to £320,000; whereas the gross expenditure in 1869-70 was only £509,000, and in 1870-1 it was only £245,000, a considerable part of these sums representing the outlay for the completion of the works at Halifax. The amount applicable to Nova Scotia was £121,000, while that for the whole of the rest of the Dominion was only £103,000. The whole group of Australasian Colonies—Australia, Western Australia, Tasmania, and New Zealand—were to cost less than £25,000. It was further necessary to see what portion of this outlay represented the mere pay, clothing, and commissariat of the troops; because, although the money was spent in the Colony, it could not be properly chargeable to the Colony, unless the troops stationed there would, but for the requirements of colonial service, be struck wholly from the roll of the Army. The expenditure on the self-governing Colonies might, even including the permanent works in British North America, be now put down at—Australasia, £25,000; Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward's Island, £245,000. Surely the total of these sums was not a large amount to pay for maintaining our extended Empire. He was aware of no other kind of expenditure than military on these Colonies. The question whether an equivalent in money was received from their trade was a problem which could be solved by figures. "Trade follows the flag" was a maxim which was especially true in regard to the colonial intercourse with the mother country; and those who asserted that the Colonies would be as good customers to English manufacturers as they now are if the tie of common nationality were removed spoke with little understanding of the colonial mind. Admitting the force of the argument that communities would, everything else being equal, endeavour to buy in the cheapest markets, were not the recent progress of manufactures on the Continent of Europe and in the United States, and the greatly improved means of intercourse between Continental ports and foreign countries, somewhat impairing the past monopoly which England had in foreign markets, and making it her interest not to weaken any one of those influences which operated to attract the colonial demand to her? Could separation be accomplished without political enmity, and, if that existed, would not our trade with our Colonies be annihilated? If the returns of trade between England and the United States were analyzed, it would be seen that, notwithstanding the increasing wealth of individuals in the States, the amount per head of the imports of British manufactures was yearly diminishing; and if the Returns were correct, they proved that the Australian and British American Colonies together consumed six times as much of the products of British industry, in proportion to their population, as did the United States. The United States, with a population of 38,000,000, received £21,000,000 worth of British imports, which was equal to 11*s.* per head; the Dominion of Canada, with a population of 4,300,000, received £7,000,000 worth of British imports, or 33*s.* per head; New South Wales, with a population of 450,000, received £3,000,000 worth, or £6 13*s.* per head; New Zealand, with a population of 220,000, received £1,700,000 worth, or £7 14*s.* per head; South Australia, with a population of 170,000, received £1,200,000 worth, or £7 per head; and Victoria, with a population of 700,000, received £6,000,000 worth, or £8 10*s.* per head. If trade followed the flag in the remarkable manner indicated by these figures, surely it must be acknowledged that it would be a great misfortune to this country if the connection with any of our Colonies was severed. If we, however, insisted upon shaking them off, political enmity must follow, and the consequences of such a state of things must be most serious to the interests of this country. Those who contended that the Colonies were a burden to us were arguing in a vicious circle, which would not bear the light of day. It only required to be noticed to be disposed of, for everyone must acknowledge that Colonies were a source of great strength to the mother country. One of the purposes for which the Committee was asked was to inquire into the modes of official intercommunication between the self-governing Colonies and this country; but it was not necessary that the Colonial Office should be employed at all in such intercommunications, because on various occasions treaties had been negotiated between the various Colonies and the United States, and sometimes between the various Colonies and other foreign nations, without assent previously obtained at the Colonial Office. Therefore, he conceived that no inquiry on that point by a Committee was desirable. It was not necessary for him to enter into the various systems which had been proposed at different times as panaceas for the grievances complained of, because the hon. Members for Cambridge (Mr. R. Torrens), and Penrhyn (Mr. Eastwick), had disposed of the several suggestions which had been made with that view, and which probably would again be brought before any Committee which might be appointed. Of this he was sure—that if it were not wished to retain to the end of time the connection under which the mother country had become so great among the nations of the earth, and the Colonies had so largely developed themselves in material and every other kind of prosperity, there was one duty which England had to perform, and that was to deal with the colonists as free men, and say no word which would hasten or embitter separation. Let her regard it as a high and holy thing to educate nations of free men for that independence which, no doubt, in the fulness of time, they would come to; but, because he wished to see the connection maintained in all its integrity for many long years yet, he deprecated the appointment of any such Committee as the one now suggested, and he would therefore conclude by moving the Previous Question.

SIR CHARLES W. DILKE seconded the Amendment.

Previous Question proposed, "That that Question be now put."—(*Viscount Bury.*)

SIR CHARLES ADDERLEY said, he thought the discussion which the hon. Member's Motion had evoked would be far more useful than the Committee could be which he wished to have appointed. A discussion in that House from time to time on our colonial relations was a very desirable thing, for this reason—that there were very few in this country who took the trouble to ascertain for themselves the real merits of that great subject; even very few Members of that House had in any way studied the enormous value and importance of our colonial relations, or could give any very definite or sound reason for the opinions they held very vaguely on the subject. He believed there was nothing more characteristic of a free, self-acting country like this than that it was very sharp in looking after affairs at home, and very careless in its judgment of affairs at the extremities of the Empire. An occasional debate, therefore, on our colonial relations must be useful; partly that it might be seen and known here and in the Colonies that, whatever the views taken of the policy most conducive to a lasting connection, but one feeling pervaded all parties, on whatever side the House, and that was a sense of the value of our connection with the Colonies, and a desire to make that connection as permanent, as thorough, and as real as possible. Very different views might, no doubt, be taken of how to secure that end; but the only difference between us was as to the mode of treatment, not as to the value of the object in view. Some thought that a Colony must be dependent, patronized, protected, to be a Colony at all, and that the instant a Colony was able to protect itself it ceased to be a Colony, just when to his (Sir Charles Adderley's) mind it first appeared a real extension of the Empire. He must allow that the hon. Member who moved this Resolution (Mr. R. Torrens) had made out his case so far that a sense of dissatisfaction had been expressed in some of the Colonies with the present policy of the Home Government. The hon. Gentleman had cited sufficient quotations to make that clear; but then came the question—was that dissatisfaction well founded? Was there any truth in the allegations made by the complainants? Was it not rather the fact that the feeling was one of disappointment springing from our having for a long time pursued a wrong policy towards the Colonies, on which many vicious interests had grown up, and that now we were beginning to revive what had been the most successful colonial policy of the country, but which must destroy many old abuses? Had the hon. Member remained in his place he should have made an appeal to him on the Motion he had made. He asked him before Easter to give some clue to what his views were on the subject, and after listening to his speech he must say he could not very definitely understand what he proposed to himself or the House. To ask for a roving inquiry into our colonial relations would be not so much a waste of time as a positive mischief. Of course it would raise expectations that would not be realized; of course, every species of complaint and grievance would be brought forward—perhaps invented for the occasion. The inquiry, therefore, was in every way likely to injure the relations now existing between the Colonies and this country. Nor, so far as he could understand the views of the hon. Member, was it likely to afford any compensation for all this injury by leading to any definite result. The hon. Member proposed, so far as he could make out, two propositions—one the formation in this country of a Colonial Council of some sort, the other a mission of envoys from the Colonies to this country. Strange that he should in the language of his Motion seem to prefer the more alienating process. The terms were to—

> "Inquire into the political relations and modes of official intercommunication between the self-governing Colonies and this country, and to report whether any or what modifications are desirable, with a view to the maintenance of a common nationality, cemented by good cordial understanding."

He treated colonial relations no longer as those of Colonies but as of foreign nations, sending envoys to this country as foreign nations. This showed that the hon. Member had certainly no very clear idea of what modifications were desirable, as his proposed inquiry tended to the reverse of his allegations. If

Sir Charles Adderley

the grievance in the hon. Gentleman's mind was so imaginary, no wonder that the propositions which emanated from it should be illusory also. The hon. Member did not, as they were all aware, come new to this subject. A great many years ago he took a very active part in founding a self-acting Colony, and on the very best principles. No man knew better than the hon. Member, both from history and from personal experience, that for successful connection with this country it was indispensable that a Colony should possess the power of self-government, of which power that of self-defence formed a necessary portion. It could not be supposed, after successful experience of the working of that principle, that the hon. Member was now prepared to retract his former views on the subject and to relinquish the convictions of his earlier days. On the contrary we did not understand him to retract in any way the views to which he has formerly given elaborate and practical expression, but to contend that the Government has not sufficiently given effect to them, so that the hon. Gentleman's proposition ought to have for its object the carrying out his former views to fuller extent. But if that were so, it was difficult to see the exact nature of the alleged grievance. The hon. Gentleman said that the Colonies, or some of the most eminent men in them, complained of the policy of the present Government as one tending to separation and independence. As this latter phrase was more frequently used by the hon. Gentleman than any other, he presumed that it embodied an allegation against the Government, and that the hon. Gentleman hoped to effect a cure by the appointment of a Committee of Inquiry. The combination of the liabilities of self-defence with the privileges of self-government was not a step receding from, but rather an advance towards, our original and more successful colonial policy. The withdrawal of the Imperial troops from the Colonies appeared to be one main subject of dissatisfaction; but in adopting this step, the Government was only returning to the earliest and best colonial policy of this country. It was a fact distinct in our history as any fact could be, that the first introduction of English troops into the New England Colonies led directly to the loss and independence of those Colonies. Up to that time, from their very first arrival on those shores, the colonists had defended themselves from the attacks of Natives far more formidable than any Colonies now had to cope with, and also against the armies of two of the most powerful nations in the world—France and Spain. But when we first sent troops among them there came the question, who was to pay for them? The story was very well known; the stamp tax was attempted to be imposed upon them expressly to recoup those expenses, and then came the outbreak, ending in the loss of the Colonies. The policy of withdrawing the troops—which was the policy of the present and had been the policy of the last Government—was not new; it was but the revival of our old colonial policy. And when the hon. Gentleman who seconded the Motion (Mr. Eastwick) talked of it as a new and false stage in our colonial policy, he must remind him that such was not really the case, and that all the colonial disasters from which we had suffered were brought about by our departure from the very system to which we were now returning. There seemed to be an impression abroad that a party of politicians in this country were in favour of breaking off the connection, and the self-respect of the Colonies was mortified by the assumption that we were anxious to throw them over. But the fact really was, that the self-respect of the Colonies had been far more injured by our previous protection, and in proposing to withdraw the troops their true self-respect was again consulted. If the Colonies were really to form a part of this country, they must know very well that they ought to take on themselves the same duties and obligations of citizenship as their fellow-subjects at home, including the duty of self-defence. In the answers which had been received to the circulars sent out by the present Colonial Minister, the proffer of protection was rejected by the most eminent colonists in every quarter—they resented sentimental expressions of sympathy offered in the way of patronage—and in proportion to the strength, vigour, and self-respect of the colonists was the emphasis of their resolution to have the direction of their own affairs unimpaired by protection. Even in New Zealand, though some people complained loudly of the withdrawal of the troops, that was not the general feeling of the best men of the Colony; the strongest party, that which prided itself on the appellation of "self-reliant party," strongly advocated the withdrawal of English troops. Mr. Fitzgerald, one of the ablest statesmen that the Colony had produced, stated that for five years he had watched, in one of the new and most important districts of the Colony, the deterioration of the English character, owing to the presence and protection of British troops. And what, meanwhile, had been the experience of these troops? Why, much greater dissatisfaction had been expressed from time to time at the presence of these troops than now at their proposed withdrawal. During the whole period of their stay it had been one scene of bickering between the Governor, the Commander, and the local authorities; ridicule had been heaped upon the troops sent from England by the colonists, and so far from dissatisfaction being now felt for the first time, he ventured to believe, less dissatisfaction than ever before existed among the general body. It had been said that the true way to insure peace was to make those who were exposed to it bear the expenditure of war; and the truth of that saying had been already exemplified more rapidly and decidedly in New Zealand than ever before. It was a strange proposal to terminate New Zealand wars by reviving the interference which created them. There was no good, he repeated, in a vague inquiry of the kind now recommended, unless there were some tangible object in view. But, perhaps, the way in which the hon. Member proposed to increase the amicable relations between the mother country and the Colonies, and to draw closer the bond between them, was by creating a Confederate Legislature of some sort. The four kinds of Confederation which the hon. Member had sketched out were—First, the introduction of colonial representatives into the House of Commons; secondly, that a Congress should be formed outside the House of Commons, in which this country and the Colonies should be equally represented; thirdly, that something in the nature of the Council of Spain for the Indies should be framed; or, fourthly, that agents or envoys should be sent from the Colonies to this country. All these four propositions seemed to him (Sir Charles Adderley) equally impracticable; and a moment's reflection must show their unsatisfactory nature to every man. If colonial representatives were introduced into the House of Commons, were they to take part in the discussion of questions affecting this country locally? and would the House tolerate these distant and uninterested representatives swamping their votes on home questions? In what way, again, were these Members to introduce into the House of Commons questions affecting particular Colonies having Parliaments of their own? There was a contradiction here which could only be got rid of by upsetting the Constitutions of those Colonies as now existing to reconcile them to this new theory of representative legislation. Then, as to a Congress, could this old country, which through centuries had gradually framed its institutions, be reconciled, all at once, to such a novelty as a Congress? In this Congress, all considerations of Imperial interest—such as those relating to peace or war, to commerce, and to all general interests—would be discussed, while the House of Commons, he presumed, would be left to deal with purely local questions. Such a proposal, he thought, would not find favour here for a moment. You cannot make a Congress of distant communities as of contiguous States. As to the third suggestion, that a Council should be formed on the model of the India Council of Spain, or its parallel in France, this was the strangest of all. What greater insult could be offered to the Colonies than the constitution of a Council governing self-governing Colonies autocratically at home, and not responsible to local opinion? The fourth plan by which the hon. Member proposed to bind the Colonies closer to this country was one for treating Colonies like foreign countries, the proposal being that from our own Colonies we should receive diplomatic envoys. What advantage would it be to a Colony not too rich in statesmen to send envoys wasting their time in this country, on the chance of some occasion occurring when their advice might be useful? Such were the propositions of the hon. Member for Cambridge. He believed that the most effective way of conference with Colonies would be to ask them to send delegates to confer upon cases as they arose. He must, therefore, demur to the appointment of a Committee of the proposed nature, which, while calculated to do a great deal of mischief in the way of raising vague expectations, could at the best lead only to a mere debate on wholly impracticable propositions. When, too, he found the hon. Gentleman the Member for Penryn (Mr. Eastwick) supporting the Motion for the Committee, on the ground that a general inquiry would be useful, but expressing his disagreement with the reasons for which its appointment was moved, he felt still more strongly that this would not be the way to cultivate more friendly relations with our Colonies. The utmost that could result from such a Committee was a sentimental expression of sympathy, which could lead to no real benefit. If, however, they desired to express any sympathy, they should do it in some manner that would lead to real and tangible results, and not in a vague discussion of impracticable propositions. By all means let them do anything to cement the all-important connection with the Colonies, which were the outlets of our crowded population, and the extension of our commerce. While, however, he could not vote for the inquiry proposed, he certainly did not like to vote for the Previous Question, which had been moved as an Amendment, because it appeared to him to be a rough mode of disposing of questions of this sort. Such questions were no doubt of great delicacy, and they could not be subjected to anything resembling supercilious treatment without the danger of wounding feelings which he was well aware were at that moment rather sensitive. Of one thing, however, he was sure—that they were all alike seeking one common end—to cement in the soundest possible way the connection between the Colonies and this country, and to place our relations upon the firmest and most satisfactory footing. To do so you must follow natural relations, and not attempt artificial bonds.

Mr. MAGNIAC said, he had listened with surprise and astonishment to the noble Lord the Member for Berwick (Viscount Bury), when the noble Lord informed the House that it was not necessary to go the antipodes for information concerning the Colonies—that they had nothing to do with New Zealand—but ought to confine their discussion within the four corners of the Motion, and that such debates as these were likely to be attended by prejudicial effects. He (Mr. Magniac), for one, did not agree in the belief that the debate was likely to be prejudicial, or that the expression of their desire to cement a good feeling between this country and the Colonies was likely to be attended by ill effects. To his mind, too, the circumstances connected with New Zealand made its discussion peculiarly appropriate, for he did not think it could be said that the understanding between this country and New Zealand was either very good or very cordial. Unfortunately, circumstances had arisen, either through their misunderstanding our intentions, or our misapprehending their wants or desires, which had led to the existence of a very painful feeling in the Colony at the present moment. The noble Lord (Viscount Bury), moreover, had indulged in an assertion which he would take leave to say had not a sufficient foundation in fact, when he stated that the New Zealand Ministers repudiated the interference of unauthorized persons, and that, therefore, our hands were tied. He believed, however, that the English Parliament was authorized to interfere, and, if possible, to interfere with effect; at any rate, that view was maintained by the authorized Ministers of the Colony, who made no such repudiation as that referred to by the noble Lord, and had expressed themselves desirous of courting instead of shunning the most searching investigation. Last year about this time, or a little later, there was a debate in which the noble Lord took part, and he (Mr. Magniac) was then in hopes that the debate would have led to some good result. A lull, however, came over the war in the Colony, the Natives did not exhibit the same activity; but, though a jubilant cry arose in this country that there was nothing more to complain of, those who knew something more about the Colony and the Natives of New Zealand felt differently. By our last accounts, too, he did not know that the danger was altogether past, for they knew that the despatch of Earl Granville had been translated into the Maori language, and had been circulated throughout the length and breadth of the land. He held in his hand a letter from a gentleman in the Colony, who said that Earl Granville's despatch, telling the Maories that the balance of justice was on their side, had tended to continue the rebellion, and that it was something for them to know that the colonists had lost the sympathy of the Imperial Government. The noble Earl, in "another place," said that the Colonies were aware that the determination of the Government to withdraw the troops only applied to a time of peace, and would not affect the obligations or the relations between the mother country and the Colony in time of war. He did not know how it could be argued that the Colony was not at war at present, seeing that the noble Earl had deprecated the carrying on of hostilities in any other than the most regular mode of warfare. The Colony, therefore, at this time required the support of the mother country. Although the New Zealander was not of the same colour as the English, the two peoples were at war, and the European inhabitants of the Colony had a right to be treated by England as if she was at war with an enemy, either of white or any other colour. The war might seem a small one to the people of a great country; but it had cost the colonists £4,750,000 in a few years, and this was an enormous sum when divided among a population of 220,000 people. The House of Commons had not been so chary in refusing assistance to other Colonies. There was last Session a loan to Canada, another for making a harbour at Galle, another for making a railway in King Edward's Island—and other loans innumerable, of which he had forgotten the names; but in the case of New Zealand the loan was stopped. He thought it a very inconsistent doctrine to hold that what was right in the one case was wrong in the other; and if it were said that these were the consequences of ancient obligations, it would surely not be denied that we had obligations to our kinsmen in New Zealand, which ought to be held equally binding. It had been stated, on the authority of Earl Russell, that the treaty of Waitangi still existed, and under that treaty the colonists were justified in expecting the assistance of the mother country. A very ugly matter had come to light with regard to New Zealand. Certain gold diggings in the Colony had been worked by a large number of miners, and the land had brought a Maori chief an income of £8,000 a year for his rights. After yielding large results the diggings became poor, and a large number of miners who were starving saw on one side of a fence thousands of acres of auriferous land which they were not allowed to touch; because, under the treaty of Waitangi, the Government had made an arrangement which forbade them to cross the line. He had seen it stated that 20,000 miners would redress the balance of the races; but he did not wish the responsibility of settling the New Zealand difficulty to rest on the broad shoulders of these miners. The present position of affairs was that Te Kooti, like other savages, fought and fled, pursued by Europeans, and 1,200 or 1,500 friendly Natives. The Natives, however, must be fed, and the money voted by the Assembly had been expended within a few thousand pounds, so that it was said that unless Te Kooti was arrested within a few days the friendly Natives must be disbanded. He thought that the Home Government might interfere and assist the Colony out of their very great straights. The colonists were already taxed ten times as much as the people of this country, and any addition to colonial taxation would drive away thousands to the neighbouring Colonies. During the last 12 months not more than 600 or 800 settlers had arrived in a Colony which could receive and feed thousands of artizans and others engaged in agricultural and mining pursuits. He had had no previous communication either with the hon. Gentleman who had brought forward the Motion or with the hon. Member who had seconded it; but, he must say, that, under the circumstances, he thought that, without going into extravagance, assistance might be given to the Colony by the mother country which would enable the colonists to justify their names as Englishmen. He appealed to the right hon. Gentleman the Under Secretary for the Colonies and to the Prime Minister not to think this Colony beneath their attention. The day might come when it would have it in its power to help the mother country.

Viscount BURY explained that he had not changed his opinion, which remained the same as last year; but he deprecated bringing up the New Zealand question in the middle of a general discussion, such as had been raised that evening.

Mr. R. N. FOWLER said, that during the last Session of Parliament the question of New Zealand had been very fully discussed on the Motion of the noble Lord the Member for Berwick (Viscount Bury). He could not approve the policy of confiscation which had been pursued in New Zealand during a long course of years; but though he felt that the views which had been enunciated on that subject by the noble Lord the Secretary for the Colonies (Earl Granville) were very much in accordance with his own, he could not help observing that the policy of confiscation which he reprobated had been pursued not only by the local Government but by the Imperial Government. If there was any man in England more than another responsible for that policy it was the present Secretary of State. The noble Lord the Secretary for the Colonies, for whom he had the greatest regard—for he had had the pleasure of meeting that noble Lord in private life, and had experienced at his hands that courtesy and kindness which he extended to every one brought within the sphere of his notice—had been a Member of every Government which ruled the destinies of the Empire since 1852, with the exception of the short periods during which the late Lord Derby and the right hon. Gentleman the Member for Buckinghamshire had been in power. He referred to the year 1852, because that was the time when the right hon. Gentleman the Member for Droitwich (Sir John Pakington) passed the Bill through that House which established the Constitution under which New Zealand was still governed. While therefore he rejoiced that Her Majesty's Government had arrived at a different conclusion from that of the hon. Member for Cambridge (Mr. R. Torrens), nevertheless it appeared to him that they were responsible for almost everything that had been done in New Zealand up to the present time, and it seemed rather hard, therefore, that the Imperial Government should now turn round and say—"You, the Colonial Government, have pursued a wrong course, and therefore we will deprive you of the support you have been led to expect from us, and we will take away our last regiment." Though he differed from the hon. Member for Cambridge on the question of New Zealand, he was glad he could concur in his remarks with respect to the Red River Settlement, on which subject the House was aware he had had a Notice on the Paper since the commencement of the Session. It seemed to him that the colonists in that settlement were entitled to two things—first, and in a particular degree, to the full management of their local affairs, considering that they were at a great distance from any other Colony; and, secondly, to representation in the Canadian Parliament upon a liberal and generous basis. The hon. Member thought they ought to have one Member. He (Mr. Fowler) would go further, and say they were entitled to two. He wished to say a word with respect to the Colonies of the Cape and Natal. The House must bear in mind that in the Cape Colony there was a population of 200,000 of European descent, a large proportion being not of English but of Dutch origin. In connection with this question the House should also remember that there were two independent republics which had been permitted to grow up by arrangements made with the British Crown—the Transvaal Republic and the Orange River Free State. As to the Transvaal Republic, Papers had been presented by the Under Secretary to the Colonies on the question of slavery, to which, he hoped, before the close of the Session, he should have an opportunity of calling attention; he would only say now that the Republic in question was one which for various reasons could not claim any sympathy from the British nation or from that House. As to the negotiations recently carried on between Her Majesty's Government, the Governor of the Cape, and the Orange River Free State with regard to the Basutos, which would be brought before the House by his hon. Friend the Member for Northampton (Mr. Gilpin), he must say that that State had pursued a course of the most nefarious oppression with respect to the territories of Moshesh. He was glad to see that that remark had been assented to by the right hon. Gentleman opposite. Now, what would be the result of leaving the population of the Cape entirely to conduct its own affairs? There would be very great danger of conflict between the Dutch and the English elements of the population resolving themselves into a British party and a Dutch party, and it would be fraught with peril if the influence which the Crown possessed from having troops there was withdrawn. On the northern frontiers of the Cape and Natal there was a large Native population. Some might think—but he hoped it would not be said in that House—that the Native races must be exterminated by civilization. Whatever might be thought on that subject with respect to other Colonies—and it was a sentiment which he regarded with the utmost abhorrence—such a result could not be anticipated at the Cape. One Native tribe might from one cause or another be exterminated, but another would succeed it, and consequently we must always expect to have questions arising between the Government of the Cape and the Native tribes to the northward. Under these circumstances, it seemed to him most important that power at the Cape should be in the hands of the British Government, which should act justly towards the Natives, and that these poor people should not be left to the mercy of the Dutch colonists, who were actuated by the most hostile feelings towards them, and who looked upon them as a race of "niggers" to be exterminated, instead of trying to Christianize and civilize them. Much attention has been directed to the question of the withdrawal of Imperial troops from the Colonies generally, and it had been argued that it would be a measure of economy. But he would venture to ask whether the step was really an economical one? No doubt that if we did really mean to reduce our Army to a minimum, the policy of concentrating our troops at home could not be impugned; but on any other hypothesis he maintained that it would be far better and even more economical to retain our troops in the Colonies instead of bringing them home. The Cape Mounted Rifles were maintained by the Colonists, and there had been a financial deficit for years past at the Cape. In 1868 it amounted to £91,306. The colonists already contribute £100,000 a year towards their defences, the major portion of which was expended on the well-organized mounted police force under Sir Walter Currie. In 1869 the deficit was £50,000, and in the depressed state of the finances of the Colony, if the troops were withdrawn, it would have virtually to remain undefended, except by the 500 mounted police. Mr. C. Pote, who was for five years a Member of the House of Assembly, and for 10 years a Member of the

Legislative Council of the Cape Colony, had well said, in a letter just addressed to the Prime Minister—

> "Though we are British colonists, we are also British subjects, and not only British subjects, but a section of the great British nation itself, and we have not forfeited or alienated our birthright or claim to be protected, because we have transported ourselves from the soil of Great Britain to the outlying dominions of the Crown, at whose instance and recommendation, and under whose powerful protection, the British colonists were induced to found a home for future offshoots from her population, and to foster and to promote a trade now growing into proportions from which England is receiving considerable advantages. And it does seem to be a measure inconsistent with the humane and enlightened policy of this great country that her Ministers should bargain and seek to exchange, for a mere money consideration, the blood and existence of a loyal people."

Again Mr. Pote said—

> "The force necessary to maintain even the semblance of peace in British Kaffraria is about to be disbanded, and the last vestige of military authority to be withdrawn, and the colonists are to be called upon to provide for the defence of this conquest of the British Government, which it costs that power an army of occupation to hold, and this in the teeth of the fact that a considerable section of this territory has been parcelled into farms, and the colonists invited to settle upon them, to stock them, to build houses, and otherwise generally to improve their properties."

Lastly, Mr. Pote made the fair suggestion—

> "That the present greatly reduced military force should be permitted to remain until Her Majesty's Government had sent out a Commissioner to report upon the history and present condition of the Native races, their situation on the border, military posts and garrisons, vast amount expended upon them, extent of the Colony, its resources, capabilities, population, climate, productions, and the propriety or impropriety of wholly withdrawing the Queen's troops from the Colony until it shall so far have recovered itself as to be able to pay such fair contribution as Her Majesty's Government may require for the maintenance of a military force in the Colony."

That was a reasonable suggestion, which he trusted would receive due consideration from the Government. The case of Natal was yet worse. The European population there was small compared with the Native, and the proportion of British settlers still smaller. It was important, therefore, with a view to the best interests of the Natives, that they should look to the Imperial Government, which could view these questions with an impartial eye and with a disposition to treat the Native races justly and fairly. Everyone must feel that not only were these individual cases of the greatest importance; but also that a crisis had arrived as to the whole question of our colonial policy. Nearly a hundred years ago the folly and perverseness of Lord North's Administration, backed up by an infatuated House of Commons, lost to the British people their finest American Colonies. It might, indeed, be a question whether, under any circumstances, those Colonies could have permanently remained connected with this country; but was there an Englishman now living, in that House or out of it, who would not regret that if we were to part, we parted not in friendship, but in anger. We all now desired to cultivate the best relations with the great colonial possessions handed down to us by our forefathers. Nobody doubted that, if the Colonists now wished to separate from us, we should use no effort to retain them by force; at the same time every moral and peaceable means should be employed to perpetuate our connection with those great communities—so long as they were true to us we would be true to them. We appreciated the loyalty which is as warm on the banks of the St. Lawrence and on the shores of New Zealand as on the banks of the Thames, and a very grave responsibility would rest on the Government and the House of Commons which should do anything to weaken the ties that knit the Colonists to the mother country. They had not yet had the pleasure of hearing Her Majesty's Ministers upon this question; but he clung to the hope that when the right hon. Gentleman rises to address them he would express words which would convey to the Colonies that feeling of friendship and goodwill which would tend to strengthen the feeling of loyalty and attachment to the mother country, that some recent utterances of the Press had done much to dissipate, and which would bind together in closer bonds of union every part of this great Empire, so that posterity would look upon the debate of that night as having done much to dissipate delusions, and to cement more closely than ever the relations of England with every one of her Colonies.

Mr. MONSELL thought his hon. Friend who had just sat down (Mr. R. N. Fowler) had expressed in eloquent language the feelings entertained, he was sure, by every Member present in the House towards the Colonies. There could be no difference of opinion among them on that subject. They all desired to see the Colonies growing, not only in strength and power, but also in loyalty and affection to the mother country; and he trusted, as his hon. Friend had said, that the result of this debate might be to dispel some illusions which had been industriously set afloat—not, he thought, for any very good purpose—in respect to the sentiments of the Government in relation to our colonial possessions. His hon. Friend (Mr. R. N. Fowler) had referred to the Cape of Good Hope and Natal; but, without being hypercritical, he would remind him those two Colonies did not come under the terms of this Resolution—they were not self-governing Colonies. If he had an opportunity of drawing the attention of the House to the results of the double system of administration in those Colonies, and to the conflicts which arose between the Executive, which was in the hands of Her Majesty, and the local Parliament, which had the control of the finances, he believed those conflicts would go far to bring the House to the conclusion that the only wise system to adopt in reference to our colonial possessions was the system adopted by the late, as well as the present Government—namely, to develop to the fullest extent the principle of self-government in every one of our Colonies that is fitted for it. He now came to the speech with which his hon. Friend the Member for Cambridge (Mr. R. Torrens) opened this debate. In no measured terms his hon. Friend put forward accusations against Her Majesty's Government. He adopted the proposition that Her Majesty's Government deliberately intended to force the Colonies to break away from the mother country; and he used a variety of epithets to describe what he called the injustice and bad treatment, and so on of which the Government were guilty. He (Mr. Monsell) now asked the House in fairness to consider on what foundation did these accusations rest. His hon. Friend cited his witnesses, and the first of them was Sir Alexander Galt, a Canadian statesman of eminence, who was said to have made certain statements expressive of a desire for a separation of Canada from this country, and he endeavoured to fix Sir Alexander's opinions on the Government, because they had refused to produce a private and confidential letter written to that gentleman on the subject of a distinction which Her Majesty was about to confer on him at the time the letter was written. He had, however, expressly stated that every word that was in that private letter was contained in the letter that was published, in which Lord Granville said that Her Majesty's Government held there was no reason for withholding from a distinguished statesman a title of honour because he held views not in accordance with those of Her Majesty's Government, and had the opinion that at some future time it might be for the interest of Canada to separate from the mother country. That was one of the arguments on which his hon. Friend based his accusations. His next reference was to a speech of a Mr. Huntingdon, in Canada, of which he (Mr. Monsell) had never before heard. The statement of Sir Ranald Martin, to which his hon. Friend alluded, was one referring not to New South Wales, but to a despatch of Earl Granville to the Governor of New Zealand. There was nothing in the treatment of New South Wales by the British Government of which Sir Ranald complained. His hon. Friend had also referred to a speech made by Mr. Duffy in the Parliament of Victoria. He (Mr. Monsell) had a copy of that speech before him, and he found that, speaking of the Colony of Victoria, Mr. Duffy said his impression was that, under the canopy of Heaven, there was not a country in which personal and political liberty were enjoyed in fuller perfection than in that Colony. These words of Mr. Duffy showed the view he, at least, took of the relations between the mother country and the Colonies. Like the late Mr. M'Gee Mr. Duffy was one of the strongest supporters of the British Crown, and was most anxious to preserve a complete and uninterrupted connection between the Colony in which he lived and the Crown. But when his hon. Friend came forward in the character of an accuser, he (Mr. Monsell) must ask him for his credentials—his authority he readily admitted—probably he knew as much of the Australian Colonies as any other Member of that House; but any views that he might elaborate out of his own brain were views which could not be entertained by the House or the Government. They were dealing with great self-governed communities—with Colonies who held their destinies in their own hands—and the Home Government could not accept as the views of these self-governed Colonies any views that were not expressed by the Legislatures of those Colonies, or by means of petition or memorial from the people themselves. Now, had his hon. Friend cited a single expression from the Legislature of a single Colony—putting New Zealand out of the question for the present—which expressed dissatisfaction with the relations at present existing between this country and her colonial possessions? He (Mr. Monsell) had gone to the record of the Petitions presented to the House to see if any Petitions had been presented from the Colonies; but the return was *nil.* He went to the Colonial Office to inquire whether any memorials had been received complaining of the way in which the Colonies were treated. He could find none. But it might be said that this was a happy year; he therefore asked—had there been a serious quarrel with any of the Colonies during the last ten years? What was the answer to that question? In Victoria, no doubt, there had been a serious controversy with respect to the vote of £20,000 to Sir Charles Darling; but that was the only serious controversy that had taken place in the Colonies during the last 10 years. Other complaints there had been, no doubt, of a minor character; but as to serious quarrel there was none. It appeared to him that that fact alone was the most eloquent argument that could be urged against the views of his hon. Friend. Was it possible that people could have a grievance—that people of our race could have a grievance—and that they would not complain of it? That was simply impossible. But, as his noble Friend the Member for Berwick (Viscount Bury) observed, there was not merely negative, but positive testimony. When a conference of colonists was suggested, a letter was sent from the association in Cannon Street to all the Colonies, in which they were invited to express their views with regard to the manner in which they were treated by this country; and every one of the Colonies had refused to take part in the movement. His noble Friend (Lord Granville), as soon as he received information of what the association had done, addressed a letter to the Governors of all the self-governing Colonies, and distinctly raised the question whether there was anything in the mode of communication between the Colonies and Her Majesty's Government which tended to obstruct good feeling, or which would admit of practical improvement? That despatch said—

> "The questions which most seriously affect individual Colonies in relation to the mother country have often in their nature and treatment little connection with those which arise in others; nor, as far as I am aware, is there anything in the mode of transacting business between the British and Colonial Governments which, under their cordial relations, obstructs negotiations or calls for any practical improvement in their means of communication."

Lord Belmore, the Governor of New South Wales, stated, in reply, that he had referred Lord Granville's despatch for the consideration of his responsible advisers, who informed him that they concurred in the views therein expressed. Was it possible that these could be the words of men who felt discontented with their position? The Governor of Tasmania enclosed a Memorandum, addressed to himself by the Colonial Secretary of that Colony, in which there was this statement—

> "Tasmania, under a system of responsible government and an elective Parliament, fully empowered for all purposes of domestic legislation, and having access, through the Governor, advised by constitutional Ministers, to the Crown, through Her Majesty's Secretary of State for the Colonies, has no reason to feel dissatisfied with her existing relations with the Imperial Government."

He must remind his hon. Friend that discontent once did exist in the Colonies. Under the system which prevailed 30 years ago there were complaints without number; there was the Canadian rebellion; there was the contest about the land in Australia; and discontent and dissatisfaction in nearly all the other Colonies. The system of giving to the Colonies complete and absolute control over their own affairs had dispelled these discontents and led to most happy results, and he trusted that the House would never consent to any Motion expressing dissatisfaction with the fullest development of that system. The hon. Gentleman had referred to the cost of the Colonies to this country. In 1865 the cost of the Colonies to this country —including military expenditure—was £4,265,177; in 1870 it would be only £2,049,796—a reduction of more than

£2,000,000; while the position of the Colonies and their relations towards the mother country was as satisfactory now under the smaller as it had previously been under the larger expenditure. His hon. Friend (Mr. R. Torrens) had made some suggestions as to the subjects into which the Committee, if appointed, should inquire. He (Mr. Monsell) did not know that he could add anything to what his right hon. Friend the Member for North Staffordshire (Sir C. Adderley) had said with regard to substituting Envoys or Ambassadors for the present system of communication with the Colonies—a plan which went directly towards separation, and was not in the direction of consolidation. He should be very much surprised at the Colonies sending Ambassadors to this country, because before many years had elapsed such a step must lead to Ambassadors being appointed instead of Governors. But if the hon. Gentleman could show that there was in the Colonies a general feeling in favour of such a plan, the Government would be most willing to take the subject into their consideration. At present, however, they were of opinion that such a system would tend to injure both this country and the Colonies themselves, and would diminish the speed of communications between the Secretary of State and the responsible Ministers in the Colonies; because despatches which were sent home by an Ambassador must be referred to the Governor before an opinion could be pronounced about any important matter. If a despatch was submitted to the Governor at the same time that it was forwarded by the Ambassador no possible advantage could be derived. His hon. Friend had also raised the question of military expenditure, and he (Mr. Monsell) wished to ask whether that subject could be more fully, more ably, or more exhaustively investigated than it was by the Committee which sat in 1861? That Committee, which considered the subject in the most minute manner, was composed of eminent Members of the House, and called before it witnesses of the highest authority. It had the advantage of hearing the opinions of Mr. Godley, who had, probably, devoted more time and thought to the subject than anyone who was now in the House. His conclusions were adopted by the Committee, and both the late and the present Government had endeavoured to carry them out. And what would be the result of an opposite conclusion on the part of the House? Had the hon. Member considered what the effect would be upon the principle of self-government in the Colonies if the House should decide to revert to the old system, and to employ British troops in the Colonies with responsible government? Did he believe that could be done without control over their internal affairs being exercised by this country? And who would pay for the policy which those troops might be sent to carry out? The renewal of such a system would tend to the complete subversion of that plan which his hon. Friend and the majority of hon. Members wished to carry out in accordance with the conclusions of the Committee. His hon. Friend's Motion contained the words, to inquire into our "political relations" with the Colonies; and he wished to ask the hon. Member what he thought would be the effect of the House proceeding to inquire into abstract relations existing between this country and the Colonies, and into the distribution of power? Was it not perfectly obvious that, if such a course was to be adopted, questions of the greatest gravity and difficulty would be raised, which, instead of producing content, would only be the source of angry controversy? If anyone doubted that, he would refer to the effect which had been produced by the Cannon Street letter on the Colony of Victoria. Before the discussions raised by that letter, that Colony was perfectly contented; but Mr. Higginbotham and his friends had now put forward principles which would, if adhered to, put an end to all relations between the Colony and the mother country. What were the resolutions that were proposed by Mr. Higginbotham? They differed greatly from his hon. Friend's views on military protection, for those resolutions declared not only the obligation of the Colonies to protect themselves against all internal disturbance, but they also asserted—

> "The obligation to provide for the defence of the shores of Victoria against foreign invasion by means furnished at the sole cost, and retained within the exclusive control, of the people of Victoria.
>
> "That this House protest against any interference, by legislation of the Imperial Parliament, with the internal affairs of Victoria, except at the

> instance or with the express consent of the people of the Colony."

Another resolution objected to instructions being sent for his guidance to the Governor by the Secretary of State. These were the sort of questions which would be raised before his hon. Friend's Committee, and their discussion could only create confusion, jealousy, and quarrels between the Colonies and the mother country. The treatment of the Basutos had been referred to; and although that was a question which did not fairly come within the Resolution before the House the hon. Gentleman (Mr. R. N. Fowler) who mentioned it did so in such very strong language that he (Mr. Monsell) felt it necessary to explain the error into which the hon. Member had fallen. The hon. Member appeared to imagine that before the Basutos were taken under British protection this country was bound to defend them. In that supposition, however, the hon. Member was entirely wrong. The settlers in the Orange Free State having defeated the Basutos and taken possession of a great portion of their territory, the British Government interfered to prevent their extermination; and Sir Philip Wodehouse had asserted that a sufficient quantity of fertile land had been secured for their support, and that, in truth, the Basutos had not undergone any further sufferings than those incident to their being driven out of a portion of the lands which they had been accustomed to occupy, whereas had it not been for the interference of the British Government they would have been utterly destroyed. The interference on the part of the Government of this country, which was an interference from pure charity, had been successful in saving them from such a fate, and they had always expressed the most lively gratitude for the kindness we had shown them. The next question to which he would advert was by far the most serious of those which had been brought under the attention of the House that night; and he did not think he should be far wrong in stating that every other topic had been used only as a support to the attack on the main position—our New Zealand policy. That policy fairly challenged discussion. The hon. Member (Mr. R. Torrens) had undoubtedly put forward the case of New Zealand in the light most favourable to his own views. The first complaint of the hon. Member, as he understood it, was that the Government had been guilty of gross injustice in arranging to send troops to the Red River Settlement and in giving Canada a guarantee for a loan to enable her to construct certain necessary fortifications, while they had refused to do anything for New Zealand. Were he to go into a history of our dealings with Canada and with New Zealand, he did not think that the latter would be proved to have had the worst of it. Putting aside that point, however, it was clear that the position of the Red River Settlement was very different from that of New Zealand with regard to this country. The Red River Settlement was not a self-governing Colony, like New Zealand—it was a territory without free institutions which we had engaged to hand over to Canada, having received it from the Hudson's Bay Company, whereas New Zealand was a Colony possessing its own Government. The two cases, then, were not *in pari materia* at all—they were perfectly different. Then, as to the guarantee we had given to Canada to enable her to complete her system of fortifications, it must be recollected, by giving that guarantee, we were merely fulfilling engagements which we had already entered into. The fact must not be overlooked that Canada stood in a very peculiar position in respect of her contiguity to a foreign Power, which was not the case with regard to New Zealand. He would now proceed to the charge of the hon. Member for Cambridge as to the alleged bad treatment of New Zealand. The hon. Member said that, after the promise of Lord Carnarvon, under the late Government, and of the present Secretary of State for War, a regiment of Her Majesty's troops should have been allowed to remain in New Zealand. But that charge was not very difficult to answer—for, after all, what was the promise made by Lord Carnarvon? Lord Carnarvon's words were—

> "You observe that if withdrawn from the outposts the troops would be useless to the Colony; but it is not with the object of being useful that they are now in New Zealand; the Colony has long since adopted the duty of protecting itself, and Her Majesty's troops are no longer there to protect it, but merely remain, or ought merely to remain, for want of the transports necessary for sending them away."

When a regiment was offered to the Colony, the only condition upon which the Colonial Ministers would consent to pay for it—and it was a condition which it was quite right for the Colonial Ministers to make—was that they should be allowed to use it—that the troops should not be shut up merely to be looked at, but that they should be really used to put down insurrection. But Lord Carnarvon had offered to leave a regiment on the condition that it was to be used only to garrison the principal towns. With this condition the Colonial Government refused to pay for it, and therefore the Duke of Buckingham ordered all the troops in the Colony to be withdrawn. But his hon. Friend had made an observation which had astonished him not a little—he stated that the present Secretary of State for War had enjoined the punishment of the rebels by the confiscation of their lands. Now, his right hon. Friend certainly did lay it down—and he was right in laying it down—that it was just that the lands of those who were in rebellion against the Crown should be confiscated. But did he stop there? His right hon. Friend went on to say that it was not merely a question of justice, but that the colonists must consider whether they would be able unaided, without the assistance of the Queen's troops, to pursue those tactics, and that if they took lands which they could not keep, they and they alone, would be responsible. His right hon. Friend said distinctly—

> "You are aware from my former despatches, that Her Majesty's Government would not consent to the confiscation of land, however justly appropriated, which would render necessary the employment of force to protect the new occupiers against the former occupiers of the land."

The view upon which Her Majesty's Government had acted in this matter was stated very clearly and in a very few words in the letter addressed from the Colonial Office to his hon. Friend the Member for St. Ives (Mr. Magniac). That letter stated that the postponement of the withdrawal of the troops would be taken to indicate an unsettled policy on the part of the Home Government, and would encourage the Colony in the dangerous error of relying on the support of British troops instead of upon their own energy, justice, and prudence. What did those words mean? By energy was meant their providing a sufficient force to defend themselves; by justice, that there should be no unnecessary confiscation of land; and by prudence, that they should enter as far as they could into friendly relations with the Maories. He was perfectly ready to rest the case on a comparison on those three points of the condition of things existing before this policy was pursued and the state of things existing at present. In dealing with the question of confiscation, he must remind hon. Gentlemen that, at the time the Colony got the responsible Government the relations between the Natives and the colonists were satisfactory. This the first Parliament assembled in New Zealand had stated. It had been said that the responsibility of the Imperial Government arose from their dealings with the Natives, which had produced the state of things which now existed, and therefore it was that he desired to go back to the time when the Colony really commenced to manage its own concerns. It was scarcely necessary to remind anyone who had given the slightest attention to the subject that as soon as responsible government was established in New Zealand a constant struggle began on the part of the colonists to get the same control over the Natives as they had over the Europeans. Governor Gore Browne, in 1856, wrote —"It is not easy to control those who cast longing eyes on Native lands, nor will the fear of war have any effect, for many will profit by it." In the year 1862 the late Duke of Newcastle made an effort to acquire by legislation power sufficient to enable the Imperial Government to control Native affairs; but his proposals were scouted by the friends of the colonists in this House and by the Colonial Legislature in New Zealand. The scheme was accordingly abandoned, and the Duke of Newcastle concluded that, as the Home Government had no real power of controlling Native affairs, it would be better to resign the whole duty into the hands of the colonists. It was true this also led to remonstrance on the part of the colonists, who desired to enjoy power without bearing responsibility; but they eventually accepted their new position. The Home Government, however, though they had abandoned all claim to power, made great sacrifices to carry the colonists through their difficulties; but the presence of General Cameron with 10,000 Imperial troops in the Colony was the occasion of more fighting between the General and the Governor than between the troops and the Maories. The result was that the utter impossibility of carrying on affairs under a double Government became apparent; the withdrawal of the Imperial troops was demanded by the Colonial Government, and Mr. Weld, Prime Minister of the Colony when this demand was made, has stated that the disasters which have since occurred were not so much occasioned by the withdrawal of the troops as by the delay in withdrawing them, which prevented that development of self-dependence among the colonists which alone could enable them to overcome the difficulty of their position. After it had been decided to comply with Mr. Weld's demand for the withdrawal of the Imperial troops, 3,500,000 acres were confiscated, and the bitterness of feeling entertained by the Maories towards the settlers increased. The Government of Mr. Weld remained but a short time in office; their successors neglected to make proper preparations for the defence of the Colony, and the rising of last year was the result. The effect produced upon the Native mind by confiscation was emphatically stated by one of the eminent colonial statesmen now in this country, Mr. Dillon Bell, on the 22nd of July last year, when he said—

> "Three years ago I arrived at the conclusion that the sooner we got out of the difficulty in which we were placed on account of the confiscated lands, the better for the Natives and for us. I hope the House will bear past warnings in mind, and think twice before any more land is taken. We have seen how on the confiscation of land at Mokoia a struggle was commenced, the end of which it was difficult to see, and at Opotiki and the East Coast we have always had hanging over us a great danger by the occupation of confiscated lands."

And what was the opinion of Dr. Featherstone, the other New Zealand Commissioner—one of the ablest of New Zealand statesmen—as to the preparation made by the colonists to meet the exasperated Natives in view of the withdrawal of the troops. Dr. Featherstone said—

> "The Colony challenges a large portion of the Native race, almost invites them into rebellion, and, at the same time, disarms itself; strips itself of all means of defence; places itself at the mercy of a half-civilized people, keenly smarting under the loss of their lands. This may be called a policy, but it is the policy of suicide."

Mr. Fitzgerald, to whom his right hon. Friend the Member for North Staffordshire (Sir Charles Adderley) referred a few minutes ago, said exactly the same thing—

> "How was the money spent which had been voted? It is an undisputed fact that when the incursion of Titokowaru took place in 1868, there was no force ready to assist him. He had not, it is admitted, above 80 men with him when he began; 50 men, such as we ought to have had, would have put an end to the affair at the outset. But at this very moment we were disbanding old forces, and were compelled to enlist miserable boys who were picked up in the streets and along the quays. The slaughter at Ngatuote Manu was the result. The army had to be reorganized in the face of a triumphant enemy. The headquarters at Patea were a scene of perpetual drunkenness and debauchery, which would have destroyed the discipline of the best soldiers in the world."

He (Mr. Monsell) thought he had now clearly shown to the House what the position of affairs was which Her Majesty's present Government had to deal with when they came into Office. It seemed evident that as long as a British regiment remained in New Zealand there was the pledge given by our flag that the colonists would be protected, and that so long as that was so the colonists would not exert themselves for their own defence, or adopt a conciliatory tone towards the Natives. Knowing that they had Great Britain to rely upon when they got into difficulties, they took little precautions to keep out of them or to do what they could to protect themselves. Her Majesty's Government accordingly determined not to revoke the Duke of Buckingham's order for the withdrawal of the 18th Regiment, and the event had proved that they were right in their determination, for since the colonists had been left to their own resources they had displayed great self-reliance, and had exerted themselves in a manner, and with a zeal, that were worthy of the race from which they sprung. Mr. Richmond, one of the late Ministers of New Zealand, had clearly shewn this. He said—

> "No more effective work had been done by the military arm since the Colony was founded than within the last 12 months, even in the day when General Cameron commanded 10,000 Imperial and 5,000 colonial troops."

That was what the colonists had done without any assistance from us. As to the altered relations between the Government of New Zealand and the Natives, he need only refer to a statement made by the Prime Minister of the Colony, to the effect that a portion of the country which had been the field of many battles with the Maories was re-occupied by the settlers, and that a coach was running quietly through it for a distance of some 50 miles. In a word, the three objects referred to in the letter he had quoted, addressed to his hon. Friend the Member for St. Ives (Mr. Magniac), had been accomplished, and energy, justice, and good relations between the two races had developed under the present system. With regard to the financial position of New Zealand, of which a good deal had been said, he did not deny for a moment that that Colony was in a difficult position, and that she had great difficulties to overcome before she could attain a state of healthy prosperity. The future, however, was by no means so black as it had been painted. The financial Minister of the Colony had pointed out that, although the taxation imposed upon individuals was higher in New Zealand than in Great Britain, yet the earnings of the labourers in the Colony were, as a rule, twice as much as the earnings of labourers were here. Her Majesty's Government would be glad, so far as it could be done without infringing the principles they had laid down, to assist the colonists. Indeed, his hon. Friend must be well acquainted with the instructions issued by Earl Granville in reference to the protection to be given to the colonists by Her Majesty's ships, and he might add that all reasonable demands would be considered by the Government in the fairest manner. The hon. Member opposite, who seconded the Resolution (Mr. Eastwick), had twitted the Government with departing from the ancient colonial policy of this country; yet it is for acting on that policy, disastrously departed from after the separation of the United States, that the hon. Gentleman blames us. Benjamin Franklin, when he was examined before this House 102 or 103 years ago, said—

> "We never even when we were weak asked you for a single soldier to enable us to defend ourselves against the Indians, and you cannot imagine that we shall ask you for assistance now we have grown strong."

That great man, colonist though he was, would certainly not have joined in the demand to keep Imperial troops in any of our self-governing Colonies. Yet it would be an inadequate description of our present policy to say that it was simply a recurrence to our ancient colonial policy. Under it the Colonies were subject to commercial restrictions for the benefit—at all events for the supposed benefit, of the mother country. Now their commerce is free. Then the connection between the Colonies and the mother country was enforced by the sword. Now, no British statesman desires the continuance of the connection on any terms but those of free good-will. They are bound to us by no cords but those of affection and of interest. So sure as children become men, so surely will the days come when these great communities will develop into independent States. The desire of Her Majesty's Government, and he believed, of every party in the State, was to postpone that inevitable hour—to make the ties that bind us together so elastic that they may not burst, and, avoiding those abstract questions the hon. Gentleman's proposal would be sure to raise if it were adopted, to leave to each Colony the fullest control over its internal concerns.

VISCOUNT SANDON said, he thought there was some ground of complaint against the right hon. Gentleman who had just sat down (Mr. Monsell), because he had dwelt so very largely—almost exclusively—on the subject of New Zealand, which was a mere detail of the colonial question, whereas the Motion before the House was for a Committee—

> "To inquire into the political relations and modes of official intercommunication between the self-governing Colonies and this country."

He confessed, however, that some of his Friends on that side of the House had erred in a similar way, and had thus tempted the right hon. Gentleman to stray from the subject of the Motion. The question was sufficiently large without being overcrowded by details. He was the less surprised, too, at the right hon. Gentleman's doing so, because everyone interested in New Zealand would readily imagine that that Colony must cause considerable uneasiness in the minds of those who had presided over colonial affairs during the last 12 months. He would not be tempted to digress from the real point at issue, even by the example of so high an authority as the right hon. Gentleman; but he had, he thought, somewhat misrepresented the position which had been taken up by the hon. Member for Cambridge

(Mr. R. Torrens). The right hon. Gentleman had assumed that those who coincided in the views of the hon. Member were proceeding upon the supposition that the Colonies were disloyal and discontented. That, however, was the very last thing which they were disposed to do; on the contrary, they believed that the Colonies entertained a feeling of loyalty, deep, true and stoong towards the Crown: what they contended for was that there was every reason to believe that a feeling of uneasiness existed on the part of the Colonies; that they imagined we were dissatisfied with them and were not loyal to them, which was an entirely different matter. There were grounds for supposing that they thought we were inclined to snap that chain which they valued so much, and that those old associations, on which they set even greater store than on material prosperity, were sought to be shattered from this side of the broad ocean. The right hon. Gentleman had indeed drawn a very *couleur de rose* picture of the state of the Colonies at the present moment, and would lead the House to imagine that they were all quite satisfied. The right hon. Gentleman had said that no Petitions had been presented by the Colonies. He (Viscount Sandon) was rather surprised at such a statement, and turned to a paper which he held in his hand from the Minister of New Zealand, dated the month of January in this year—

Mr. MONSELL said, he would remind the noble Lord that he had stated distinctly that he excepted New Zealand from his remarks, and proposed to deal with that Colony separately.

Viscount SANDON said, he was glad to hear the explanation, and should not advert to that point any further. The real question, as he had already indicated, was whether there was not great uneasiness in the Colonies. It was true, perhaps, that there might not be Petitions from them; but was there, he would ask, any hon. Gentleman connected with the Colonies who heard him who did not receive letters from them which showed the existence among them of great apprehensions with regard to the future? If the right hon. Gentleman had cast his eye over the Australian and Canadian newspapers, he would have found that they all made mention of the existence of very great uneasiness. Did he know nothing of the expressions of feeling of Sir George Grey and Sir William Denison — who were surely men of weight and knowledge on this subject? Had he not looked into the very remarkable preface with which Lord Russell had, only this year, re-introduced his *Speeches* to the public, in which he spoke in terms of the gravest apprehension with respect to our colonial policy for the future? These things surely were sufficient to justify him in saying that much uneasiness did prevail not only in the Colonies but in England. That uneasiness had, he believed, been increased by the precedent set in the cession of the Ionian Islands, which the Colonies feared might any day be followed in their own case without the country being consulted. Then, who were the persons by whom the existing feeling of uneasiness was created? Who were the people who wished to get rid of the Colonies? Not, he was happy to say, Her Majesty's Government—he was happy to think that Her Majesty's advisers had exhibited no such desire. The debates in "another place" had drawn forth a strong expression of feeling from the noble Earl at the head of the Colonial Department, to the effect that he, at any rate, did not wish to lose the Colonies. The discussions which had taken place had brought out the fact that the Colonies did not wish to separate from the British Empire. Past Colonial Ministers did not desire it. Earl Grey had expressed himself strongly in favour of keeping up the connection between them and the mother country; and Lord Carnarvon strained every nerve to strengthen that connection. The despatches of the Duke of Newcastle were greatly in favour of maintaining the Empire in its integrity. Who, then, wanted to part with the Colonies? Did the working classes? Could anybody mistake the meaning of those meetings which had been held within the last few months on the subject? The depth of feeling among the artizans on this subject was not yet fully appreciated by the country. Was it not manifest that our working classes looked upon the Colonies as their land of promise, and regarded those distant territories as the birthright, so to speak, of their sons and daughters? Was it the mercantile or the landed interests, then, who wished for separation? So far as his own constituents were concerned, he believed there was scarcely a commercial man among them who was in favour of parting with our Colonies; while he was sure that hon. Gentlemen connected with agricultural constituencies would say that no farmer or landed proprietor would approve of such a policy. By whom, then, had the feeling of uneasiness been created? He had read the very interesting work of his hon. Friend the Member for Chelsea (Sir Charles Dilke), and with particular attention a chapter relating to the future of our Colonies. One sentence in it had struck him very much, and he would venture to read it to the House—

> "With the more enlightened thinkers of England, separation from the Colonies has for many years been a favourite idea."

But who were the "enlightened thinkers?" Far be it from him to ridicule the opinions of any body of men or any sect of philosophers, and he was happy to find that the hon. Baronet severed himself from the "enlightened thinkers" of whom he spoke, for he said plainly, in his able book, that he wished us to keep Australia. It was, however, he could not help remarking, somewhat dangerous to use such vague expressions in dealing with large political matters. This expression, as to the "enlightened thinkers," was like the French phrase, "*on dit*,"—nobody knew where it came from—somebody had said it, but nobody would father the great thought. Generally, "enlightened thinkers" were those who held the same opinion as ourselves. However, he had reduced those who wished to part with the Colonies to a very small body; and if they came to be counted, he believed they would be found to amount to anything but a numerous sect. The matter was, however, too grave a one to be joked upon; and he could scarcely imagine how any sect of men could desire to see our great Confederation broken up at such a moment as the present. The general tendency of men at the present day was in quite the opposite direction. The tendency of the day was in favour of large nationalities, and the day of small nations was past. Could we shut our eyes to the fact that nationalities were everywhere endeavouring to group themselves into large States? Germany was forgetting her divisions, and grouping herself into one powerful State; Italy had happily almost accomplished the same work; and the races in the North were following out the same process. Why should we, at such a moment, in obedience to the opinions of any set of men, however enlightened, crumble up that great Empire which Providence had placed in our hands? It was surely our duty to take the opposite course, and carry out the work we were called upon, as a first-class nation, to fulfil. Could it be imagined that we should long remain a first-class Power if Colony after Colony were stripped from us? Could we, under such circumstances, long retain our grasp on India? We owed it as a duty to our own people not to shrink, from any feeling of laziness, from maintaining the proud position which we had acquired, and to keep open these outlets for our teeming populations; while we owed it also to the people of those new Continents, to whom it was a great advantage to have the admixture of our old civilization and to start with our great traditions, not to break that tie which attracted to them the cultivated classes of this country, but which would cease to exist if they did not continue to be subjects of the same Crown. The question was a great and a large one; and it had, he thought, been very well put in a despatch lately sent to the Government by that distinguished man Sir Philip Wodehouse, who spoke of responsible government in the Colonies as meaning in the end independence, and therefore separation from the mother country. He believed Sir Philip Wodehouse was wrong; but, nevertheless, his deliberate expressions showed what opinions were afloat, and convinced him that the question of the relations between ourselves and the Colonies must be faced as a whole, and handled in a broad and comprehensive spirit. Now, that was the point which he would entreat the House to consider very carefully, whether we were to look forward calmly and contentedly to the future sketched out in that despatch, or to use our best exertions to consolidate those semi-independent communities into one great Empire with ourselves. It was, no doubt, the harder, but it was the more glorious task: it was, no doubt, a difficult problem, and would require the exercise of all the statesmanship which this country possessed for its solution; but he hoped that no luxurious laziness, no timidity, no shrinking from labour would induce that House to decline the noble work of reconstructing, and, so far as things on earth could be so, of rendering everlasting our British Empire.

Sir CHARLES W. DILKE said, he should not have spoken in the debate had he not been charged by his noble Friend who had just sat down (Viscount Sandon) with having made a statement which he might have made, but not quite in the line of thought which the noble Lord had suggested. He had not argued that the "enlightened thinkers" of this country were of opinion absolutely that it would be better we should get rid of our Colonies; but that it would be better to do so than that the one-sided character of the connection between us and them should be allowed to continue, and he had said that he himself was not favourable to separation. In what had fallen from his noble Friend as to the value to England of her colonial possessions he concurred to the fullest extent. They had had that night not one debate, but a succession of debates on various colonial questions. His hon. Friend had almost trampled on the hon. Member for Penrhyn (Mr. R. N. Fowler) by anticipating the coming discussion of the Red River question; while debates on the affairs of the Cape, the Basuto difficulty, the New Zealand difficulty, and other matters, had all been provoked by the general character of the Resolution. As to the suggestion that the Colonies should send Envoys to this country, the cases which the hon. Gentleman quoted in support of his suggestion were almost all cases in which the parties concerned would not, as a matter of fact, have been represented here. For example, the inhabitants of the Red River Territory were not a Colony of themselves, and, undoubtedly, did not possess responsible self-government, and under no circumstances would they be represented here under the hon. Member's plan. The Under Secretary for the Colonies had shown that in the instance of the Cape also the parties would not have been represented here. Moreover, when the proposal was laid before the Colonies they all declined it—five or six of them declining curtly and emphatically, while the Colony from which his hon. Friend came sent no answer at all to the communication addressed to it on the subject. Again, his hon. Friend seemed somewhat to have misunderstood the functions of an Envoy: his real objection to the present system seemed to consist in communications being sent by the Governor instead of by the Colonial Minister to this country. For all practical purpose we were kept as well acquainted with the state of affairs and with the changes of opinion in any Colony by the Queen's representative — the Governor — there, who could inform us of the mind of the Colonial Ministry by sending us their minutes, as we possibly could be if they had an authorized Envoy in England. This country was also kept well acquainted with the successive phases of opinion by means of persons specially accredited for these purposes. Therefore, the proposition for having Colonial Envoys fell to the ground as completely on practical considerations as on the theoretical considerations stated by the right hon. Gentleman opposite (Sir Charles Adderley), who had lately been Colonial Under Secretary. As regarded the question of colonial expenditure, it was too late at that hour to go into the general question; but he maintained that, irrespective of the military establishments, there were considerable charges which the colonists might fairly be called on to pay in justice to the people of this country. The colonists paid nothing towards the Debt, nothing towards the charge for the great officers of State, and nothing towards the Diplomatic and Consular Vote and the Civil List. Let them contrast the case of India—a country with which they could do as they pleased — with that of the Colonies. They made India pay the cost of the India Office here, also a contribution towards the cost of the Navy, as well as for several of the Consular establishments, almost the whole cost of the mission in Persia, together with a large portion of the cost of the mission to China and several other adjacent countries. On all those points, and in respect also to the Debt, it was capable of argument, and, he thought, of demonstration, that to carry out the principle of equality with this country, and likewise the principle of federation, the Colonies ought to be charged with considerable payments from which they now escaped. His hon. Friend said our colonial trade had been increasing since 1866; but the Returns showed that while our total exports of our own goods to foreign countries had increased by £11,000,000 between 1867 and 1869, our exports to the Colonies had declined within the same period. He felt that whenever anything in the shape of a colonial grievance was brought before the House it should not only be answered, but the Imperial grievances should likewise be stated. With regard to the case of New Zealand, it had been repeatedly asserted that the policy adopted by the Government towards that Colony was new; but the right hon. Gentleman the Under Secretary of State had already disposed of that argument. The terms of the answer given by the right hon. Gentleman the Under Secretary were almost identical with those employed by the Earl of Carnarvon and afterwards by the Duke of Buckingham. The case of the guarantee to Canada in respect of part of the purchase-money for the Red River Settlement had not been sufficiently answered. He spoke against it at the time; and it was supported from the Treasury Bench in speeches which went against the principle of guarantees so far, that there was almost a promise given by the Government, and concurred in by the Opposition, that guarantees should not be indulged in again except to relieve this country from charges to which it was already subject. The hon. Gentleman who opened the debate said that the Colony of New Zealand was in a state of bankruptcy; but his statement was not borne out by the fact that it raised its last loan upon terms more favourable than it had ever obtained formerly. This showed that after the most serious period of its calamities the credit of the Colony was better than it had ever been before. Moreover, a letter which had been referred to was in conflict with Mr. M'Lean's public statement made in February last, that the probabilities of successful resistance by the Maories, or of a rising of the friendly Natives, were less than they had been for many years. Reference had been made to a statement that the United States would give the same assistance against the Maories that they gave against the Indians on the Mississippi; but that notion was founded on entirely incorrect data. The United States Government had for years given no protection whatever to many of the States, and very little to those territories in which the greatest massacres had occurred. The massacres in New Zealand were mere trifles to those which had taken place in eight or 10 of the American States in the course of the last five or six years. Mr. Huntingdon had been quoted; but he could not fairly be quoted by those who were opposed to separation, because everything he said was coloured by his opinions in favour of annexation to the United States. Mr. Gavan Duffy had also been referred to; but he advocated the Colonies being put upon the same footing that Hanover had been on in reference to this country. Now, the connection between this country and Hanover had been simply a "personal union" arising from the fact of the two countries having the same King, and, of course, Hanover bore all its own charges, civil and military. It was not until the Colonies were prepared to bear all their own charges that they could stand in the same relation to this country that Hanover had done. The hon. Member for Penrhyn (Mr. Eastwick) had spoken of Colonial Budgets being presented to the House as Indian Budgets were; but unless the Colonies were prepared to bear their whole expenditure, the account would be all on one side—a mere statement of expenditure on our part without any receipts. As a rule, he was not opposed to inquiry; but he thought that the debate had shown how injudicious a general inquiry would be, seeing that it would provoke recrimination, of which instances had been furnished; and if it were strictly limited to the means of communication it would be useless, for only two or three speakers had said they saw any reason for a change.

MR. GLADSTONE: If this debate had been confined to criticisms upon the conduct of the Government in particular cases, I should have been well content to leave the matter as regards the principal of these cases—namely, New Zealand—as it stood in the speech of the Under Secretary of State, and as it was left by my right hon. Friend opposite the Member for North Staffordshire (Sir Charles Adderley); but the debate has taken a much wider range, and assumptions have been made that the present Government has aspired to be the heralds and inaugurators of a new policy and a new era in regard to the Colonies; and, inasmuch as my noble Friend the Secretary of State for the Colonies (Earl Granville) has, with great judgment and discretion, only acted in full conformity with the general convictions of the Government, I should be sorry to leave the defence of his policy simply in the hands of a Gentleman, however competent he may be, who merely represents a particular Department in this House, or that there should be room for the supposition that the Colleagues of my noble Friend are not ready and anxious to share with him the responsibility for his conduct. The noble Lord the Member for Liverpool (Viscount Sandon) speaks of a general uneasiness that prevails, and which is expressed in letters. It appears, however, that not in responsible and public documents, but through private channels, he says it reaches himself and many other Members of Parliament; and he thinks that uneasiness is so formidable that it requires notice and the adoption of some Imperial measure. The Motion of the hon. Member for Cambridge (Mr. R. Torrens) is, in point of fact, rather a testimony to the existence in some shape of that uneasiness than a proposition to be considered strictly upon its merits with reference to practical purposes. What is the cause of this uneasiness? No serious attempt has been made to fasten responsibility for it upon the acts of the Government. That it exists I do not doubt; and, moreover, I will venture to say, without fear of contradiction, that it has always existed during the last 30 years—a period during which the policy of this country with regard to the management of its Colonies has been constantly in process of modification. Ever since we began to concede first to one Colony and then to another the management of its own affairs, and ever since this country, pursuing that principle to its legitimate consequences, began to think it was compelled to contract its own responsibilities in respect of their military defence, of course there have been persons who have more or less participated in this uneasiness. There is simply no greater uneasiness now; but, on the contrary, there is less than when the system of responsible government was first introduced; and when it was said that the establishment of responsible government in the Colonies would be fatal to the connection between the Colonies and the mother country, very plausible arguments being urged in support of that view. But, though the existence of uneasiness is an inconvenience, yet it is simply an inconvenience which attaches to the movements of all policies under a free Constitution, because there are always to be found persons, such as an hon. Friend of mine called "weak-kneed" individuals, who are the originators of alarm, and who are much more governed by their own feelings and dispositions than by the dispassionate examination of the facts of the case. The hon. Gentleman who seconded the Motion (Mr. Eastwick) stated, in distinct terms, that a new policy had been propounded and acted on by the present Government. He said that there have been three periods in the history of the connection of the Colonies with this country, and that we are now entering on a fourth. The third of these periods was, if I understood the hon. Gentleman aright, the period of responsible government, and the concession to the Colonies of the management of their own affairs, and that we have now passed from that into a fourth period, in which separation is openly avowed as the rule of policy for this country. But the hon. Gentleman hardly made the slightest attempt to prove that proposition—he had nothing to adduce except the speech of Mr. Huntingdon, whose words, he said, were enough to show that a policy of that kind has been adopted by the present Government of this country. The present Government, however, do not claim the credit of adopting or introducing any new policy. There is no question of any new policy at all; but there is a question of the successive development and application of admitted principles to one Colony after another, according as circumstances allow and invite their application. That is the simple explanation of the whole matter. When you are involved in a bad system you cannot pass even to a better without feeling some inconvenience in the transition. If you look back to the history of the colonial connection between European Powers and trans-Atlantic possessions you find that it is the nature of those possessions to grow, and so to grow as to alter essentially, in obedience to laws stronger than the will of man, the conditions of their relation to the countries with which they were originally connected, until they arrive at that stage of their progress in which separation from the mother country inevitably takes place. It is impossible, however, to look back with satisfaction to the mode in which that separation has occurred. In every instance it has been brought about by war and bloodshed, involving an inheritance of pain, hatred, and shame; whereas in reason there ought to be nothing to preclude the hope, when the growth of a colonial possession is such as to make separation from the mother country a natural and beneficial result, that that separation, so far from being effected by violence and bloodshed, might be the result of a peaceable and friendly transaction. Surely it is a great object to place, if possible, our colonial policy on such a footing, not for the purpose of bringing about a separation, but of providing a guarantee that, if separation should occur, it should be in a friendly way. That is the sense, the principle, and the secret of our policy with regard to colonial reform. But it is not an easy matter to escape from the false position in which we were involved 30 or 40 years ago, when not only was there much wrong, but when, we may say, looking back with the light of the experience we have since gained, there was nothing right in the relations of our Colonies with the mother country. We have had experience of the policy of restraint attempted to be applied by European countries to their colonial possessions; and we have not only that experience in former generations to guide us, but we have also had most serious warnings addressed to ourselves, especially in the case of the great Colony of Canada. Therefore, it is an honourable chapter in the history of our own times that there has been a great and almost continuous effort among our statesmen, without distinction of party, to work out a policy such as to avoid the peril and disgrace, which, whenever the period should arrive, would attach to separation effected by violence and bloodshed. This is done to the present hour, and it is not, as supposed, the introduction of a new policy, but the successive application of principles now established and recognized by persons of authority of every shade of politics, and received, it may be said, with universal assent. That is the case as regards the policy we have endeavoured humbly to pursue; and it does not, in my opinion, tend to weaken the relations between the mother country and the Colonies, but, on the contrary, while securing the greatest likelihood of a perfectly peaceable separation, whenever separation may arrive, gives the best chance of an indefinitely long continuance of a free and voluntary connection. That is the footing on which we, like our predecessors, have endeavoured to found our colonial policy. Freedom and voluntaryism form the character of the connection, and our policy is not to be regarded as a surreptitious or clandestine means of working out the foregone purpose of casting off the Colonies, but as the truest and best, if not the only means, of fulfilling our obligations to them. And with respect to pecuniary matters, a large deduction must be made before I can adopt the observations of the hon. Gentleman who brought forward this Motion, who I am sorry should have made such continual reference to the economical proceedings of the present or any Government—for the present Government is not the only Government who have avowed the principle of retrenchment. He exhausted his vocabulary of epithets in describing what he called the unworthy way in which our colonial policy is conducted, calling it a pound, shilling, and pence policy, and accusing us of higgling with the Colonies, and of a disposition to "travel third-class." Does he mean to say that we are, for the sake of economy, abandoning honour and duty? The hon. Gentleman may make light of extravagance and be ready to sacrifice the interest of the taxpayer, thinking the fact of an economical result the severest condemnation of our policy; but we never said that for the sake of economical results the obligation of any duty was to be made light of. With respect to colonial defence, though the pecuniary burden entailed was the chief evil we had to contend with, still I thought that the greatest evil done by that system was done to the Colonies themselves. We did not teach our Colonies to rely upon themselves; but we taught them to rely that, come what would, they would be defended by a power thousands of miles away. It is impossible to establish a free community unless you have along with the enjoyment of the privileges of freedom a fair distribution of the burdens which they entailed. Unless men are taught to rely upon themselves they can never be truly worthy of the name of freemen. With respect to the Motion under consideration, I hope my hon. Friend (Mr. R. Torrens) will not think it necessary to take the sense of the House. If he does, I shall be willing to meet it with a plain and simple negative, if that course were open to me; but as the previous Question has been moved, I shall vote against the putting of the Question. I appeal to my hon. Friend, having raised a discussion on this subject, does he really think that advantage will be derived from pressing a Motion in the terms he has placed on the Notice Paper—to appoint a Select Committee to inquire into the political relations subsisting between this country and its numerous self-governing Colonies, and to do that through the medium of a Committee which is to report upon modifications which may be desirable in the mode of conducting those relations with a view to the maintenance of a common nationality cemented by cordial good understanding? Well, now, that is a proposition which he supports by gravely impugning the conduct of the Government in relation to New Zealand. But he would find it quite impossible in one and the same Committee to conduct a full inquiry into the conduct of the Government — a perfectly fair and proper subject of inquiry—and to connect it with a thorough and exhaustive inquiry into the wide question of policy as to the proper mode of establishing official intercommunication between our self-governing Colonies and this country. But that is not all. He contemplates modifications in the relations between this country and these self-governing Colonies. Has any case whatever been made out for these modifications? Is it not plain that these relations are conducted on a footing satisfactory to both parties? I am not saying that every measure taken by this country is necessarily satisfactory in every Colony and on every occasion; but who complains of the machinery? Have the Colonies not the fullest benefit of our free institutions? Have they any difficulty in finding men competent, like my hon. Friend, and willing to come forward and make known their complaints, even if they were more warm and susceptible in their feelings than they are sound in their objections? Is it not a perfectly simple method of communication in which the correspondence of the Colonies with this country is conducted? And is not the proposal of my hon. Friend open to this objection—is it not a very serious matter to appoint a Committee to examine whether any and what modifications are desirable in the political relations and modes of official intercommunication? Before we could consent to the appointment of such a Committee, under any circumstances whatever, our first duty would be to require evidence that these self-governing bodies themselves concurred with the Mover of the Motion, and united with him in the desire that such a Committee should be appointed. Does the Motion contemplate the scheme of incorporation recommended by the noble Lord (Viscount Sandon) opposite? I could not help smiling at the unequal justice the noble Lord dealt out to my hon. Friend the Member for Chelsea (Sir Charles W. Dilke) and himself. My hon. Friend was so unfortunate as to use in his book the phrase "enlightened thinkers;" and the noble Lord said, do not allow us to be led away by those vague terms; but the noble Lord himself had not the least objection to "a bold and comprehensive policy," which he says we ought to adopt. He did not object to throw out descriptions so vague and shadowy as must be left to his own imagination to judge of—a mode by which, if anything was meant by what he said, the Colonies would be placed almost on the footing of British counties, with a view to what he called—in that moderation of language which he commends to my hon. Friend —the everlasting continuance of the British Empire. The noble Lord's plan of incorporation is altogether visionary, as Mr. Burke said long ago *Opposuit Natura.* You cannot overlook the countless miles of ocean rolling between them and us—so unlike the position of the United States. It is a sign of immense human energy when you see a country like the United States extending itself continuously over that vast Continent—where, without limit, and step by step, land opens at every pace of the progress of that wonderful community. But, for my own part, I am not sanguine enough to approve—I reserve my judgment till the noble Lord comes down from the clouds and describes to us on the solid earth something more about these incorporations than he has yet chosen to do, and till he does so I certainly must decline appointing a Committee on any such scheme. What, then, are we to do? What changes is it proposed you should make? Are you going to tighten the bonds of our administrative connections or to relax them. If you are going to relax them, in what respect? There is very little to give up. There is the Judicial Committee of the Privy Council; are you going to abolish that jurisdiction so far as our Colonies are concerned? Then there is the veto of the Crown on the passing of Acts of Parliament and the appointment of a Governor. I am not afraid of any of these things. I believe that the connection with our Colonies depends so entirely on will and affection that I do not regard it as bound up essentially in the maintenance of any administrative function whatever. But we have no cause to give up either one or other of these; and we are not willing to undertake any inquiry on the subject without knowing what these self-governing Colonies think of it. But if, on the other hand, my hon. Friend says he does not mean to relax the relations further, but to tighten them, the meaning of that is that he intends to abridge the liberties of self-government we have accorded to these Colonies; and rely upon it if such a Committee were appointed the apprehension of it would go across the seas to one Colony and another, and prove the occasion of serious political mischief and alarm. I hope, therefore, my hon. Friend will not be disposed to press his Motion. If he does, we shall give such a vote as the forms of the House may enable us to do against his Motion; and my noble Friend at the head of the Colonial Office, with that ability, temper, and conciliation, and with that real and not merely affected regard for the interests of the Colonies which he has always shown, will continue to administer the affairs of his Department—not endeavouring to aim at distinguishing himself by inaugurating any new theory, but steadily and courageously acting on the same principles which have hitherto actuated him, and with the fullest confidence and support of all his Colleagues.

MR. R. TORRENS said, he would not detain the House by many remarks in reply. He had been asked by the Under Secretary for the Colonies for the credentials under which he ventured to advocate this question. Now, his credentials were precisely the same as those of the right hon. Gentleman himself—as representing a large and intelligent constituency, who had as much interest in this question as the Colonists themselves. The question had been discussed in the Colonies, and why not in the British Parliament? If the debate had no other effect than to draw from the First Minister the explicit statements he had made respecting the views of the Government upon the proper relations between this country and the Colonies, it would have had good results. The only basis on which the permanent connection between this country and her Colonies could be maintained was that each should bear its own burdens, and should not be supported or defended solely at the expense of the other. He regretted, however, that he had heard from the right hon. Gentleman—though perhaps he was mistaken—that he could not regard this connection as other than of a temporary character.

MR. GLADSTONE begged to say he had not used the expression, and did not entertain the idea.

MR. R. TORRENS said, he was glad to hear it. There was no idea entertained in the Colonies of terminating the connection. The suggested appointment of Envoys had been spoken of as putting the Colonies at a still greater distance from the mother country, and as pointing to separation; but he believed it would have quite a contrary effect. The bond of union between the parent State and the non-adult Colonies was not strengthened, but strained, by an unduly close association perpetuating the conditions of nonage. The hon. Baronet the Member for Chelsea (Sir Charles Dilke) had brought forward a new doctrine, that it was sufficient to have a diplomatic representative at one end of the line. In our intercourse with foreign countries it was surely as necessary that the foreign Power should have its Envoy to instruct the British Minister as to the policy which he was accredited to represent, and to enforce that policy upon his attention, as it was that we should have our Envoy in a foreign State to perform similar offices in the interest of this country. And if advantages were found to result from mutual intercourse thus sustained with foreign countries, surely the same principle must hold good in the case of the Colonies. It was owing to this want of reciprocity, this absence of the necessary mechanical arrangements for intercommunication, that the present difficulties had arisen. He believed, that if, for instance, one of the gentlemen at present in this country to represent New Zealand—unhappily too late to do any good—had been accredited here as an Envoy, the feeling which had, unfortunately, been created by the withdrawal of the troops from New Zealand need never have arisen; for, being made acquainted with the intentions of the Government, he would have had it in his power to acquaint them with the real merits of the case, and to urge upon them the views of the Colonists. He begged to ask the noble Lord who had moved the Amendment (Viscount Bury) what he thought was likely to be the effect upon the minds of people in the Colonies, who had no very clear understanding of the forms of the House, if the Previous Question were carried? Would it not be universally understoood that the House of Commons had refused to go into the case of the Colonies? That, he feared, was the aspect in which the vote would certainly be viewed. He wished he could feel justified in complying with the suggestion of the right hon. Gentleman at the head of the Government, and it was with great pain he felt compelled to divide the House. But he regarded the present moment as a crisis in the history of the country, believing that we were in immediate danger of having one of our great Colonies separated from us unless justice was done. Inquiry must be made into the causes of the departmental difficulties which from time to time arose with the Government of this country, or we should lose not that Colony merely, but all our Colonies one by one, when questions like the transportation question arose. The Under Secretary for the Colonies, forgetting that controversy, spoke as if no difficulty had arisen within the last 10 years. The time had now come for placing the Colonies upon a consistent, uniform, and rational basis, by means of which their connection with the mother country would be preserved, he hoped, for an indefinite time, and that was the object aimed at by his Motion.

Previous Question put.

The House *divided:* — Ayes 67; Noes 110: Majority 43.

RAILWAY COMPANIES.

MOTION FOR A SELECT COMMITTEE.

MR. DENISON, in moving, according to Notice, for the appointment of a Select Committee to inquire into the Law and the administration of the Law of compensation for accidents as applied to Railway Companies, said, that he should have brought this subject under the notice of the House at an earlier period during the present Session, but for the absence of the right hon. Gentleman the President of the Board of Trade, which he, in common with every other Member of that House, deeply regretted; and he had, moreover, deferred the Motion at the request of the hon. Gentleman the Under Secretary of the Board of Trade, who did not, he believed, intend to oppose it, but was too much occupied in other Committees to allow of his devoting his personal attention to this particular matter. When he addressed the House last Session, he did so entirely upon his own responsibility and without any communication with the railway companies; but since that time he had had the opportunity of ascertaining the views of almost all the companies, and he believed that in making this Motion he now had their unanimous concurrence. The grievances of which the companies complained had been set forth in the Petitions which he had presented upon the subject. They urged that, whereas they were compelled to carry all persons at rates fixed by law, they had, for the benefit of the public, and in accordance with their requirements, undertaken unusual and special risks; had undertaken to carry passengers at a high rate of speed; that all those extra and special risks were by the law, as it stood, made to fall upon the railway companies; while they were compelled not only to exercise due care and vigilance, but to pay in cases of accident compensation, without limitation, according to the social position of the persons injured. If it were argued that the rate of speed was within the control of the companies, he would ask, what would be the feeling in the minds of the public if the railway companies for one month only were by arrangement among themselves to reduce their speed to 20 or 25 miles an hour? Complaint on the subject would be general throughout the country; and yet they were subjected to a law which might have answered very well when the conditions of society were entirely different, when the maximum rate of speed was 10 miles an hour, and when the conveyance was under the control of a single individual. He had no doubt if this Committee were granted that he should be able to adduce such a body of evidence as would convince any fair and reasonable man of the existence of a very serious grievance. The Report of the Royal Commission, of which the Chancellor of the Exchequer and the First Commissioner of Works were both Members, by whom this subject had been considered, recommended among other things, that railway companies should be held responsible for all injuries which resulted from their own negligence; that the amount of compensation should be regulated by the class by which the person injured was travelling, but that any passenger should on the payment of a small extra tariff be entitled to claim an insurance of a higher character; that claims for compensation should be made within a limited period; and that the companies should have a right to institute medical examinations in cases where injuries were alleged to have resulted from accident. There could be no doubt that railway companies also suffered much from the prejudice of juries, and that the latter so habitually found verdicts for the plaintiffs, that the companies, rather than run the risk of being saddled with the costs of both parties, submitted, in many instances, to claims which they knew to be excessive, and which they believed to be fraudulent. The companies, therefore, asked that a tribunal of arbitration should be appointed, which would save expense both to the claimant and the public, and would, at the same time, put an end to what was fast becoming an organized system of fraud and imposture. How excessive the damages were when compared with the amount of fares received by the railway companies would appear from the following instances. When the New Cross accident occurred the whole of the money received as fares was £16, while the sum already paid as compensation amounted to £45,000, and the claims lodged amounted to upwards of £100,000. In another case, a passenger who had paid only 1½*d.*, received upwards of £2,000 damages, and the costs incurred by the company were upwards of £500. As he understood that the Secretary to the Board of Trade would not oppose the Motion, he would not detain the House any longer, but simply conclude by moving his Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the Law and the administration of the Law of compensation for accidents as applied to Railway Companies."—(*Mr. Denison.*)

MR. HANBURY-TRACY, who had given notice of an Amendment to include shipowners within the scope of the inquiry, withdrew his Motion.

MR. HINDE PALMER, who had given notice of an Amendment to add the words—

"And also to inquire whether any and what precautions ought to be adopted by Railway Companies with a view to prevent such frequent accidents as now occur,"

said, he could quite understand that the hon. Gentleman (Mr. Denison) had consulted all the heads of the railway companies and obtained their concurrence for the Motion he had made. It would be very much for their interest if the Motion were agreed to. It was not in behalf of the companies, however, but of the public that he rose to move an addition to the hon. Gentleman's Motion. At present the great and almost the only guarantee which the public had for the safety of passengers and for insuring the exercise of caution and care on the part of the railway companies was the heavy damages to which the companies were liable when accidents occurred; and if the object of the Motion was to cut down the amount for which the companies were responsible it would so far diminish the guarantee which the public possessed. It was a necessary consequence, therefore, that there should be an inquiry as to whether certain means could not be adopted to prevent these accidents altogether. By the Returns for 1869, which seemed more like a list of casualties after a great battle, it appeared that 1,553 persons were killed and wounded by railway accidents during that year, whereas in 1868 the number was 812; so that it appeared that the terrible lesson taught by the Abergele accident and the comment it had excited had not been turned to much account. He was pleased to hear that no opposition would be offered to his Amendment; but, at the request of the Under Secretary to the Board of Trade he would omit from his Motion the words "such frequent accidents as now occur," substituting simply "accidents."

Sir HENRY SELWIN-IBBETSON, in seconding the Amendment, said, that had he not been forestalled by his hon. Friend, it was his intention to have brought this question forward himself. During the last three years the injuries and deaths from collisions, pure and simple, were 1,876, while from all other causes whatever, they were only 595. That was a strong reason for trying whether these accidents, over which he maintained some control was possible, could not be prevented. It would, he thought, be necessary, if Parliament released the responsibility of railway companies, that they should, at the same time, endeavour to secure by other means the safety of the public. During the last few years, the Inspectors had been very constant in recommending the adoption of the block system, and this seemed to show it was a question which ought to be considered whether the Government should not have power to enforce certain regulations from time to time.

Amendment proposed,

At the end of the Question, to add the words "and also to inquire whether any and what precautions ought to be adopted by Railway Companies with a view to prevent accidents."—(*Mr. Hinde Palmer.*)

Mr. REED objected to this question being discussed as though it only involved the interests of the railway directors. It involved also the interests of the public, and he was glad that the addition of his hon. Friend (Mr. H. Palmer) had given a wider scope to the inquiry.

Mr. SHAW LEFEVRE said, that when the hon. and learned Member for the South Riding (Mr. Denison) last Session brought forward this question, his right hon. Friend the President of the Board of Trade intimated that the Government would not oppose a Committee of Inquiry if moved for during the present Session. In assenting, however, to the Motion of the hon. Member he must not be taken to assent to his arguments and conclusions. The subject he had introduced was a somewhat wide one, and involved other considerations than those he had alluded to. The hon. Gentleman had, no doubt, made out a strong *primâ facie* case on behalf of the railway companies. They often suffered injustice at the hands of juries; they were mulcted very heavily in court, and cases of a monstrous character sometimes occurred—such as that mentioned last September, when a lady obtained £1,200 because she sprained her foot in tripping over a hole in a carpet at a railway station. Then there were cases of another kind—such as that of the late Mr. Pim, whose family obtained £12,000 damages against the Great Northern Company, because he had neglected out of an ample estate to make provision for his younger children, and was killed in an accident. It seemed to him that the Courts, in admitting considerations as to the future advancement of a claimant, and the possibility of his rising in a profession, had opened the door to claims of an almost exaggerated character; but hard cases did not always mean bad laws and bad legislation — they must look rather further for the effect of the general working of the law. The whole amount paid by the companies, though large, formed but a small percentage of the gross receipts. Then, again, the principle on which the companies were responsible was one of very wide application. The responsibility of the employer for the negligence of his servant, was a principle which ran through our whole jurisprudence; and in some respects it seemed to be a harder case that the owner of a carriage should be responsible if his coachman negligently drove over a man in the streets than if the railway company having engaged to carry a passenger safely, an accident occurred to him through the negligence of their servants. Shipowners, dock companies, and a hundred other such companies were subject to the same law. Another consideration which the hon. Member had not sufficiently borne in mind was the extent to which the present law operated as an inducement to railway companies to adopt all reasonable precautions to prevent accidents. It had been the settled policy of Parliament hitherto not to interfere in the management or working of railway companies, but to hold the companies responsible for their negligence. Now, the Board of Trade were being constantly urged to adopt and to enforce fresh provisions for the safety of passengers. The hon. Member for West Essex (Sir H. Selwin-Ibbetson) had urged the enforcement of the block system; but the Board of Trade had hitherto uniformly resisted this, believing that divided responsibility would not ultimately tend to good management as to the safety of passengers, and that the better course was to hold the companies strictly responsible for the consequences of their management. In the case of ships Parliament had interfered to a greater extent, and in a variety of ways; and in introducing the Merchant Shipping Bill he relied upon the same principle, but he must say he should be unwilling himself to lessen in any material way that sense of responsibility on the part of those great carriers over whom they had so little control; should they do so at all, it would, perhaps, be desirable to consider whether some greater control ought not to be exercised over them with a view to the prevention of such accidents. Inquiry, therefore, would hardly be satisfactory unless it embraced more of those topics brought before the House by the hon. Members for Essex and for Lincoln. With these reservations, however, he thought it might not be without use that a Committee should inquire into the subject. It might be that means might be devised for preventing those grosser cases without really diminishing the responsibility of railway companies. The Royal Commission, while upholding the importance of not relieving companies of their responsibility, were of opinion that, on the one hand, companies should be absolutely responsible for all injuries to passengers not due to the personal negligence of such passengers, and, secondly, that their liability should be limited within a maximum amount. The principle aimed at by the hon. Member had already been to a limited extent conceded by this House in the case of two or three metropolitan companies, which were compelled to run workmen's trains at a very low price. Parliament had limited the compensation in the event of accident to £100, and had provided special arbitration clauses, which were much valued by the companies. In some negotiations which he had had with other metropolitan companies, with a view to extend this, he had found that, if the companies could obtain this limitation of liability, they would be willing to give the facilities wished for, and it would, therefore, be well for the Committee to inquire whether such principles should be extended. On the whole, then, he thought that a Committee might be of use in inquiring into that subject, provided it were sufficiently wide to embrace the subjects he had alluded to; but for the present, as he had already two important Committees to attend to, what he would suggest was that the hon. Member should not nominate his Committee until the state of business in the House permitted, even at the risk of its not concluding its work during the present Session.

MR. DENISON said, he regarded the addition proposed by the hon. Member for Lincoln (Mr. H. Palmer) as an improvement.

Question, "That those words be there added," put, and *agreed to.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Ordered, That a Select Committee be appointed to inquire into the Law and the administration of the Law of compensation for accidents as applied to Railway Companies; and also to inquire whether any and what precautions ought to be adopted by Railway Companies with a view to prevent accidents.

SETTLED ESTATES BILL.

On Motion of Mr. STAPLETON, Bill to enable the owners of Settled Estates in England and Ireland to charge such estates, within certain limits, with the expense of building Mansions as residences for themselves, *ordered* to be brought in by Mr. STAPLETON, Colonel STEPNEY, and Mr. STACPOOLE.

CHARITIES, &C. EXEMPTION BILL.

On Motion of Mr. MUNTZ, Bill to relieve Charities and Elementary Schools from the payment of Local Rates, *ordered* to be brought in by Mr. MUNTZ, Viscount SANDON, and Mr. WHEELHOUSE.

Bill *presented,* and read the first time. [Bill 109.]

House adjourned at half
after One o'clock.

HOUSE OF COMMONS,

Wednesday, 27th April, 1870.

MINUTES.]—Public Bills — *Ordered—First Reading*—Admiralty District Registries * [111].

First Reading—Settled Estates * [110].

Second Reading—Mortgage Debenture Act (1865) Amendment * [78].

Committee—Report—Marriage with a Deceased Wife's Sister [11]; Wages Arrestment Abolition (Scotland) * [69].

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—[Bill 11.]

(*Mr. Thomas Chambers, Mr. Morley.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Thomas Chambers.*)

Mr. SPENCER WALPOLE said, he felt that he need offer no apology for bringing forward the Amendment of which he had given notice to a measure so intimately affecting the family life and domestic relations of the people of the United Kingdom, his object being that, before the very great alteration contemplated by this Bill was sanctioned by the House, the whole question of the law of marriage should be fully considered. The great majority of the people of this country opposed the change now recommended as not merely objectionable in itself, but as leading to ulterior consequences greatly to be deprecated and deplored. The social system of this country founded upon the law of marriage had existed from time immemorial, and ought not lightly and easily to be disturbed. His hon. and learned Friend (Mr. T. Chambers) would probably admit this without hesitation, and, further, that nothing was so objectionable as to unsettle and introduce uncertainty into what was and ever must be the most important of our domestic relations, unless a strong, clear, and overwhelming case were made out. English law upon this point was and had ever been consistent with itself and with principle, which principle he took to be that, within the family life and the family circle, such a thing as the possibility of contracting a marriage union should not even be contemplated. The purity and happiness of the family life was preserved and secured by such a prohibition; what he had called the family circle being held to include relations by affinity as well as relations by consanguinity. When, therefore, they were asked to change a portion of the marriage laws as faulty and unsound, the question to be considered was whether the system, as a whole, was so faulty, so unsound, and so fraught with evils and inconveniences that the existing marriage laws could not and ought not to be maintained. His hon. Friend would hardly deny that this was a fair way of putting the question. The answer to such a question involved two considerations, one religious and the other social. Religious questions, he knew, had better be avoided in their debates as far as possible—not that he thought, where the morals of the people were involved, those questions ought to be evaded, either here or elsewhere; but it was hardly within the province, certainly not within the power of Parliament, definitively to determine this question one way or the other. But lest he should be charged with giving up the religious view of the question altogether, he would make two, and only two, observations on that head. The institution of marriage, restored as it had been to its original purity by the teaching of our Saviour, made the marriage union between the two parties to it, in his opinion, so entirely one that all the obligations, duties, and privileges which belonged to the one extended to and belonged to the other also. He could not bring himself to believe that there was any Divine command which would sanction, or even by inference permit, such a marriage as that which the present Bill would legalize. Whether according to our own version or to the Septuagint, prohibitions and restrictions were equally applied to marriages within the family circle. If that were so, then upon social considerations he maintained that the social system at present existing in this country ought to be maintained, for that system drew the most intelligible, the clearest, and the best line to prevent the family life from being interfered with or interrupted in any manner that could destroy its purity. His learned Friend could hardly deny that women were entitled to be put in this respect upon the same footing as men, or that, with regard to the forbidden degrees, there were not actually more cases of affinity proscribed than there were of degrees of consanguinity. This law had existed in Christendom for little short of 15 centuries. At the time of the Reformation a divergence of practice undoubtedly arose: the unreformed part of Christendom still adhered to the rules which were laid down in earlier times; but, unfortunately, they granted dispensations in favour of the rich which were not granted in favour of the poor. The reformed part of Christendom adhered in this matter to the ancient rules. In later times, in some foreign countries, those rules had been considerably relaxed, and he much doubted whether the relaxation had been for the benefit of the people of those countries; but in our own country, in every part of the United Kingdom, the law remained what it had been for the first 15 centuries, and until quite recently that law had never been complained of. In England the marriage laws so adopted had been incorporated with our statutes, and confirmed by decisions of the Courts, so that when ill-advised persons sought to evade the law by contracting forbidden alliances in other countries where these were permitted, believing that the *lex loci* would validate such marriages, the highest tribunal of the kingdom — the House of Lords, by the mouths of Lord Brougham, Lord Cranworth, Lord Wensleydale, and Lord Chelmsford—held that the law of the country as to marriage was what it had been from time immemorial, and that it could not be got rid of by going abroad for the purpose. Lord Wensleydale used a phrase as to which there could be no mistake — he said that, by our law, the marriage of a widower with his deceased wife's sister was always as illegal and as invalid as a marriage with a sister, a daughter, or a mother was. In Scotland this matter formed part of their articles of faith. The 24th chapter, sec. 4, of the Westminster Confession, ran thus—

> "A man may not marry any of his wife's kindred nearer in blood than he may of his own; nor a woman her husband's kindred nearer in blood than any of her own."

And in proof of the dislike with which the Scotch people as such would regard any such change in the law as was here proposed, he might point to the Motion of which the hon. Member for Edinburgh (Mr. M'Laren) had given notice — namely, that he would propose when they got into Committee on the Bill, to exclude Scotland from its operation. For his own part, he ventured to believe that it was better to resist the Motion for going into Committee altogether than to propose an Amendment of this kind. For however dangerous and unwise it was to interfere with the law of marriage in the first instance, the evils of doing so must be intensified if two different states of the law were created in different parts of the United Kingdom. He asked the House to consider, in the next place, what were the considerations advanced in support of the change proposed by this Bill. In the first place, it was said the aunt was the natural guardian and protectress of the orphan children of her dead sister. He did not dispute it; but did she not occupy that position of protectress much more under and in consequence of the existing state of the law than she would do when the prohibition of marriage was taken away? At present she filled the position of protectress naturally, and without exciting any feelings of jealousy. But would the same state of things continue when the aunt was changed into the step-mother? when her affections and interests for her own children would compete with those that otherwise would centre in the orphan children? His belief was that for every woman who would wish, as the wife of her deceased sister's husband, to obtain the guardianship of the orphan children, there were dozens who would retire from the care of the children altogether, saying that, as unmarried women, it was no longer possible for them to remain under the same roof with the father of those children. Instead, therefore, of being a reason in favour of the proposed alteration of the law, the position of the wife's sister afforded, he believed, the strongest possible reasons against such a change. Another argument sometimes advanced, which he would venture to call a mere pretence, was that this was a Bill for the benefit of the poor. That there might be some poor persons desirous of contracting these marriages he would not dispute; but investigation showed that this desire was felt much more strongly by the rich than the poor. The Report of the Commissioners many years ago enumerated all the marriages of this kind which had occurred, as far as the Commissioners were able to ascertain, and they were found to be in number 1,608. Of these, how many were cases of persons belonging to the artizan and labouring classes? Not above 40; the rest belonged to the upper and middle classes. To say, therefore, that this was a Bill for the benefit of the poor was to misrepresent the facts. On the contrary, he believed that the passing of the Bill would very much tend to impair the happiness and innocence of many a poor man's home. The agitation got up upon this subject had been promoted and paid for by the rich, and there could be nothing to his mind more discreditable than that persons directly interested in procuring a change of the law should attempt to make it appear that such a change was in accordance with the wishes of the community. It was sometimes urged in support of the proposed change that a large number of people were in favour of it; and that public feeling had been manifested by some having broken the law in order to contract the forbidden marriage. If, however, the wilful violation of the law was to be entertained as a reason for altering it, then society would be broken up altogether, for Parliament would be bound to consider other cases of wilful violation of the law, and the consequences of such a doctrine could not but be perfectly startling. Again, it was adduced, as a reason for supporting the present Bill, that in some foreign countries the original law had been to some extent relaxed in favour of these marriages. To that he answered that he was by no means sure that that relaxation had contributed to the morality of those countries, and, according to the best information he could obtain, even many of the people in those countries deplored the relaxation; but certain he was that any such relaxation in this country would be inconsistent with the customs, the wishes, and feelings of the great mass of the people, and that that House had no right, for the sake of a few persons, to go against the opinions of the vast majority of the population in such a matter. He had not forgotten the forcible speech made on this subject last year by his hon. and learned Friend (Mr. T. Chambers), nor the arguments brought forward by one who, they all regretted, was not now present in the House—he alluded to the right hon. Gentleman the President of the Board of Trade. His hon. and learned Friend said on that occasion that liberty in relation to marriage should be the general rule, and that no restriction on that liberty was justifiable unless it could be found either in the laws of nature or of Scripture, and the hon. Member for Birmingham rested his whole case on what he called the justice of giving to men and women natural freedom in this great matter of marriage. Now, what was natural freedom? Where were its limits and how were they defined? This natural freedom implied that a person might marry anyone to whom he was only related by affinity. Did it, then, allow two brothers to marry the same woman, the one after the death of the other, and did it permit the uncle to marry the niece? [Mr. O'Reilly-Dease: In Roman Catholic countries that is done.] Yes; but not without dispensation. Did this natural freedom also permit marriage with a wife's mother or a wife's daughter? [Mr. T. Chambers expressed his dissent.] He was glad that his hon. and learned Friend appeared to admit that a distinction was to be drawn between those cases of affinity and that case where he would sanction marriage. Was there or not a law of affinity applicable to both sexes? If not, then they must change the laws altogether; and, if there was, how could they justify for a single moment sanctioning marriage between a man and two sisters, and not between a woman and two brothers? There was no answer to be given to such a question except one, which condemned the whole Bill now before the House. If they once broke up the law of marriage, they must, in reason and justice, carry their relaxation much further than the present measure. Therefore, the argument of natural freedom would not avail in the discussion, for no civilized society ever existed which had not placed some restriction on natural freedom in the matter of marriage. The restriction must exist somewhere, and if the intelligible and consistent limit now fixed by the law was not taken, the advocates for change were bound to show what other limit could be established as good, just, and efficient. The existing law preserved and enlarged the domestic affections with respect to the arrangement of family life, and if they kept within that arrangement, they would keep family life innocent, pure, and happy; but if they broke up the arrangement, no man could tell what mischief would ultimately ensue. If asked why, as he entertained these opinions, he did not move the direct rejection of the Bill, he would reply that he thought Parliament was bound to consider, before authorizing the proposed change, whether or not the law as regards affinity and consanguinity should remain as at present. If Parliament should determine that kindred by affinity and kindred by consanguinity ought to be placed on a different footing, the Bill did not go far enough; but if Parliament should determine that they should retain the same position, then it went too far. It was for the interest of all parties, of both sexes, of the whole community, not to unsettle the law of marriage; and nothing could be more mischievous than to introduce uncertainties into such a law, except the introduction of inconsistencies and anomalies, which could only lead to ulterior changes of a worse description than that now proposed. He would therefore move, as an Amendment, the Resolution of which he had given Notice.

MR. MONK, in seconding the Amendment, said, that the hon. Member for Edinburgh (Mr. M'Laren) had given Notice of an Amendment for omitting Scotland from the operation of the Bill; but such a proposition was opposed to the Report of the Royal Commission on the Laws of Marriage, which recommended that there should be uniformity in the laws of the three kingdoms on the subject of marriage. That Report was signed by the Lord Chancellor, his two immediate predecessors on the Woolsack, and the hon. and learned Member for Richmond (Sir Roundell Palmer); and he ventured to think that that was a recommendation which the Government would not lightly pass over or disregard, and to which he trusted that Parliament would, in a future Session, give a legislative sanction. With regard to the Bill before the House, he did not believe that Parliament was prepared to alter the law of marriage on the evidence yet brought before it in reference to this one case of affinity, while leaving all other cases of affinity untouched. Why did the hon. and learned Member for Marylebone bring in a partial Bill of this nature? Why did he not come down to the House and ask Parliament to revise the Table of the prohibited Degrees? He knew what answer he should receive. It would be said that the prohibition of this particular kind of marriage was felt as a grievance by a great many persons, and that it would be time enough when a demand arose for marriage in any of the other prohibited degrees for Parliament to be asked to abolish the prohibition in those cases. Now, there was evidence to show that marriage with a deceased wife's niece was not uncommon, and only as late as the 24th of last March there was reported in *The Times* an application for a declaration of nullity of marriage in the case of "Gee *v.* Heath," on the ground that the man had married his wife's niece, and the Court declared the marriage void. He hoped Parliament would not pass a Bill of an exceptional nature like the present; but that, if the law was to be altered, the whole question would be considered in the manner suggested by the right hon. Member for Cambridge University (Mr. Spencer Walpole).

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to alter the Law of Marriage, which has existed in this Country from time immemorial, as to the degrees of kindred and affinity within which Marriages are permitted, until Parliament has considered the whole question whether degrees of affinity should be put on a different footing from the corresponding degrees of consanguinity,"—(*Mr. Spencer Walpole,*)

—instead thereof.

MR. GLADSTONE said, he did not know whether it was the pleasure of the House to enter into a prolonged discussion on a measure which had been the subject of debate perhaps a greater number of times than any other measure that could be named, now that the old and famous question of church rates had been removed from the arena of contention; but there were two points on which he wished to say a few words, and perhaps he might be permitted to speak thus early as he was unable to remain long in the House. He wished first to remind the House of the practical footing on which the hon. and learned Member for Marylebone (Mr. T. Chambers) had placed his Bill. He had produced a Bill in which he carefully avoided all interference with the laws or by-laws of any religious community, and asked the House of Commons to do that which, apart from the opinions and rules of any religious community, would be admitted to lie within its proper power—to establish a rule upon which, for civil purposes, certain marriages should be permitted to be contracted. He thought his hon. and learned Friend in doing so had exercised a wise discretion. The Bill raised the question whether we could continue to maintain our marriage law in regard to the table of prohibitions on the ground on which it had so long stood—on the ground taken by the ecclesiastical law of the country. It appeared to him, considering the great number and diversity of religious communities into which society was divided in the three kingdoms, that, with the exception of the Established Church of England and the Presbyterian communities of Scotland, there was no religious community with which it was a matter of conscience to maintain the prohibition which the present Bill proposed to remove; but, on the contrary, so far as the religious communities, other than the Established Church of England and the Presbyterians, had expressed a judgment, it was adverse to the prohibition. He had for many years felt the strength and pressure of the argument derived from the principle of general toleration, and the difficulty of enforcing the rule of one particular religious denomination on the members of other denominations who did not recognize its authority. He, therefore, thought his hon. and learned Friend had acted wisely in aiming at satisfying the full demands of the principle of toleration or religious liberty without interfering with the religious rules which any particular community of Christians thought proper to adopt. He now came to the consideration of the nature of the opposition offered to the Bill; and here he could not but observe that the Mover and Seconder of the Amendment appeared to found themselves on what he must call a narrow basis—they declined to raise by their Amendment the question of principle—though, of course, it was open to them to urge that to any extent in their speeches—and the narrow ground taken by the Amendment was, that his hon. and learned Friend should not be permitted to bring into question a particular point which he had selected from the table of prohibitions unless he was prepared also to raise a similar question with regard to a great multitude of other prohibitions. His hon. and learned Friend claimed to be allowed to proceed on what might be termed the practical view of the case—namely, that there was a great pressure upon the law at this particular point; and opinion was divided amongst all political parties and all denominations, and so divided that it could not be said that the lax portion of the community were on one side and those of a higher moral standard on the other. Bishops of great reputation, clergymen of the highest character, had been found favourable to the change proposed—and he was bound to say he attached great weight to the opinion of such a man as the Dean of Chichester, all whose leanings, if he had any leanings, in matters ecclesiastic, might have led him the other way, but who founded his conclusion entirely upon his own experience as a parish priest in one of the most important parishes in the country. Opinion being divided in this remarkable manner on this particular part of the law when it was not so divided upon any other, his right hon. Friend opposite (Mr. Spencer Walpole) challenged his hon. and learned Friend, and required him to descend from that practical ground, depart from the plea that the present state of things demanded a modification of the law which could not be practically carried into effect, and in the enforcement of which public opinion would not support them, and grapple with the wide, general, abstract question—whether a distinction was to be drawn between degrees of affinity and degrees of consanguinity. He did not say that the Amendment of his right hon. Friend was a captious mode of raising the question, but it was a mode of proceeding on which the Friends of the Bill were perfectly justified in joining issue, and contending that according to the established rule and practice of legislation in this country, it was better to look on practical grounds to that which pressed and even cried aloud for amendment, rather than entangle themselves in the consideration of abstract questions of great scope, difficulty and delicacy, with regard to which there was no urgency in any quarter. Reference had been made to the argument of natural freedom. He preferred to avoid all arguments in the nature of abstraction in regard to a subject of this kind. If he were told that the question of the lawfulness of marriage with a deceased wife's sister was inseparably connected with, and ought not to be considered apart from, the general question whether degrees of affinity ought to be treated like degrees of consanguinity, his answer was, that that proposition was confuted by facts; and one fact that was conclusive was this—that there had been a whole generation of debate on the subject of this Bill. Parliament had been discussing it for some 35 years, and the experience of those discussions proved that for practical purposes those questions were perfectly settled. No one would hesitate to admit that natural freedom had its limits, and that when it reached a certain point it might more justly be called unnatural freedom; and while that would be the case on one side of the question, it was undeniable that on the other this system and method of provisions had been pushed under certain circumstances much too far, partly, perhaps, from the overstrained rigour of opinion, and partly, from the fact that prohibited degrees had been invented—such prohibitions as one arising from sponsorship in baptism, or other matters, due either to pure imagination or to something worse—the devices of what was termed priestcraft, endeavouring to make merchandise out of ecclesiastical rules of that kind. No doubt these were extremes; but his hon. and learned Friend had taken a rational course in saying that the line between those two extremes was a line which could not be determined by an absolute and immutable rule. He admitted that this rule of marriage law was a rule that should not be lightly changed; these were not questions that should be opened except upon a great necessity, and upon the certainty of clear benefit. We ought not to tamper year after year with our marriage laws; but it should be borne in mind that this present course of proceeding could hardly come under the name of a yearly tampering with those laws, for this proposal, which had been drawn up in the most restrictive terms to which it could possibly be reduced, was one which had been sustained by the continuous movement of opinion for 35 years, and upon almost every occasion when it had been brought forward it had received the sanction, sometimes under very remarkable circumstances, of the representatives of the people in the House of Commons? That being so, he thought the facts of the case had come out in such a shape as to make it their duty, if possible, to remove out of their way this stone of stumbling and cause of contention. He hoped that this would not be allowed within those walls to degenerate into a class question. He was prepared to admit that, for the social purposes of that favoured handful of mortals who stood at the head of the social pyramid, it would be advisable to maintain this prohibition, and that, of course, was the handful of mortals out of which this House had been selected; but they ought not to allow their personal feelings and social traditions to blind them to the different circumstances of those who were not within the favoured precincts. They ought not to judge according to what they might think their own class required; it was their duty to look beyond that, and to consider the condition of the whole of society with respect to the maintenance of this prohibition. Looking beyond that narrow precinct, he confessed that he had come to the conclusion that it was not merely an abstract argument in favour of liberty that his hon. and learned Friend had to urge, but the consideration that, upon the whole, it was for the religious and moral advantage of the mass of society if, making the best choice they could between alternatives, neither of which might be perfect, and with an honest endeavour to make that choice, they gave up a restriction which was not adequately sustained by the public conscience and conviction of the time in which they lived, when they had no reason to suppose that that public conscience and conviction would alter in favour of the restriction. By longer resistance they might widen the area of contention, where any widening would be unnecessary, and might lead to evil. They ought to maintain those restraints in force which the public conscience and conviction would warrant; but they ought to beware lest, by attempting to strain too far the principle of prohibition, they weakened the authority which all these laws ought to possess in the minds of the people, in order to be carried into satisfactory and permanent execution, and to attain those results which they were intended to achieve.

MR. BERESFORD HOPE said: Before entering upon the merits of this Bill I must allow myself one or two minutes to express my regret—my deep personal regret—to find one with whom I have maintained an intimate personal friendship—if he will allow me to say so—for many years, assume the position which my right hon. Friend has now done. I may now consider myself an old Member of this House, though twice out of it for long periods—once for five years, because I opposed this Bill. There is no event in my political life on which I look back with more satisfaction than on that of having sacrificed my Parliamentary position to my conscientious convictions. For anyone situated as my right hon. Friend finds himself there must always underlie a deep and subtle temptation. He is something more than a mere statesman — something more than a clever administrator or a dexterous manipulator. He is all that; and, over and above it, he is a philosopher and a theoretic logician. There is always a temptation to such a statesman to allow the logical faculty and his own keen appreciation of abstract consistency to come between himself and affairs as they are in fact, and not in theory. I have just been listening to the logic of the philosopher; but I failed to catch the experience of the administrator—I failed to catch those arguments which might convince me that the grounds on which the speaker based his conclusions were broad enough and solid enough to sustain the edifice which he attempted to rear. The right hon. Gentleman talked of the continuous movement of opinion, and he referred in particular to the decisions of this House—the elective Assembly of the nation—the popular side of the Constitution. But does my right hon. Friend remember that, for the last 10 or 12 years, this question has at intervals come before the House, and yet has never reached the Upper House? Each successive time, up to last year, the House threw it out, three times in all — at first on a collateral issue, but on the other two occasions by a direct Aye and No vote. So that up to the meeting of the present Parliament, there has manifestly been no continuous movement of public opinion to which the hon. Member for Marylebone or my right hon. Friend can appeal. A great change, no doubt, took place last year in the tone of this House. I make the supporters of the Bill a present of the fact. But where were the indications that public opinion had, in its deepest and broadest and purest sense, undergone any similar change? Have there been any public meetings? Have there been any remarkable conversions of thinking and educated men? Have the great organs and indicators of public opinion—the leading journals—sounded the key-note of change? So far is that from being the case that—not to mention Conservative papers—the leading organs of opinion on the other side of the House have—and I welcome the fact—on social grounds, and from practical apprehensions, expressed their strong dislike to the innovation. No doubt, the same stock arguments, the same concentrated activity, the same secret machinery, the same strong personal interests are employed in 1870 in pushing forward this measure which were employed in 1850. Outside that agency, I fail to see any indications of any movement of public opinion. What farther cases of grievance to the poor man have come to light? What farther claims of domestic suffering have been substantiated to propitiate public opinion? Absolutely none. We know, from the Report of the Bishop of Lichfield's and Mr. Stuart Wortley's Commission in 1848, that of 1,648 marriages within the prohibited degrees, which were then alleged to have taken place since Lord Lyndhurst's Act, there were only 40 quoted as having occurred among the poorer classes. These statistics are on record, and they are the statistics of the promoters of the change. Their accuracy has not been affected by any subsequent inquiries or revelations. What other instances of hardship to the poor man; what other cases of grievance; what other privations have been adduced? Not one. Not one single case has been brought before the House in all the successive debates, or before the bar of public opinion, which is not to be found in the Blue Book of 1848. If there were any grievances so very pressing, would not the hon. and learned Gentleman who, with so much ability and eagerness, has taken the part of foster-father to this Bill, have made himself their expositor? Would he not have based his advocacy of the measure on those practical grounds, rather than upon arguments which are merely theoretic? There was one statement of my right hon. Friend which I was astonished to hear him make. He complains of the narrow basis on which the present opposition to this Bill has been rested. He complains that there is no precise principle involved in the Amendment of my right hon. Colleague. If he had said that my right hon. Friend had taken too broad a basis—that his Amendment was based on grounds too theoretic—if he had said that the appeal was not made to some practical issue, but rested on pure and abstract principle, I should have been prepared to defend it; but I should have admitted that the objection was colourable and legitimate. But when I hear the right hon. Gentleman state that the Amendment contains no principle—that the basis on which we raise this conflict is a narrow one—I can only answer by reading the words of the Amendment—

> "That it is inexpedient to alter the Law of Marriage, which has existed in this Country from time immemorial, as to the degrees of kindred and affinity within which Marriages are permitted, until Parliament has considered the whole question whether degrees of affinity should be put on a different footing from the corresponding degrees of consanguinity."

We are therefore called upon to state that the appeal to the House not to pass an incomplete and fragmentary alteration in a law which has existed in this country from time immemorial, but to consider the whole question, is to shirk principle and to put the whole matter on a narrow basis. I confess that, with all my respect for the ability and the great logical powers of my right hon. Friend, I fail to follow him in this argument. It is we—and I am glad of that—it is we who, by this Amendment, have raised the whole question, and through this House we appeal to the whole country—it is we who call upon the public to face the whole matter, and to ask themselves this question, whether or not the present marriage law, taken as it is, should not be maintained as, if not the best of advantages, at least the smallest of evils, and to consider, if we take away from it in any degree, what disorder will most assuredly follow. In the whole argument of my right hon. Friend I think he did not lay sufficient stress on that which, after all, is, and must be, the true function of legislation and the proper province of government—to hold the scales of the social economy, to judge in difficult and controverted cases, to arbitrate where the diverse passions and jarring interests of persons and classes must make cheerful and unanimous consent impossible without the careful control of some superior power; and thus, in matters where *salus populi* is *suprema lex*, not to shrink from administering that *suprema lex*, wherever by the nature of the case the individual conscience could not act for the Commonwealth, but could only embroil and confound the general understanding upon which national peace depends. Surely if there is any class of questions on which the Government of the State, in contrast with the fluctuating opinions of individuals, must hold those scales and judge for the community, it is that of the laws affecting the conjugal relation. What have we beheld within the last few months in that country which lays claim to being the freest in the world—which lays claim to having reduced sovereignty to the fewest possible elements, while it has given to individual opinion and energy the widest possible influence and scope? I mean, of course, the United States of America. What has been the most practical question on which the Senate and Congress of the United States have this year been legislating? It is the reversal of the marrige law, enacted by, and in full use within, one of the largest of the subordinate territories, which, though not yet actually States possess a constitutional recognition within that great confederation. Their work has been to overset the marriage laws of Utah in the face of a possible civil war; while the only practical detail on which a strong divergence of opinion appeared was, whether this overset should be backed by the material force of 40,000 soldiers. No doubt the polygamy of Utah is an extreme case; but, because it is an extreme case, it is set up for our present warning. Who could have believed, some 30 or 40 years ago, that, long before this present century had run its course, in a civilized and English community, a community founded by ourselves, speaking our language, worshipping with our forms, and possessed of a Constitution based upon our tradition—in this great Anglo-Saxon community, the second one in the world, the question of polygamy or of monogamy would demand Parliamentary decision, and that decision at the risk of a civil war? The scandal has long been staring us in the face; and it is only because we have grown so familiar with it that it does not strike us, as it would have done a few years ago, in all its abnormal horror. It is no doubt an extreme case; but it is a case teaching by example, and it shows us that there is a point at which every Sovereign Commonwealth must intervene between man and his opinions—between man and his passions—and must lay down some general marriage law which shall govern the whole community. It is a question of degree, and the House is now asked to consider whether it is the better and safer course to adhere to customs as they are, or to embark on an unknown sea of vague and indefinite changes.

Those who have looked upon the present Bill with alarm and distress have done so not merely because of the principles which are contained within its four corners, but because of the principles which, like the oak within the acorn, are ready to germinate into active life as soon as this measure may unhappily be passed and another may be required to suit the convenience, the desires, or the passions of some other section of the community. Our marriage law of England is, as all who have looked into the matter are aware, a very simple one. It may be right or it may be wrong; but it aims at preserving the utmost extent of liberty consistent with what it believes to be the voice of God; while, on the other hand, it rejects, and it abhors the worldly notion of any dispensation or sliding scale based upon considerations of social expediency. It says that there shall be one law for high and low, for rich and poor; for the Sovereign on the Throne and the beggar in the streets—one list of degrees to be permitted, one list to be prohibited—that there shall be one equal law for all. There could be no system wider than that. By the present English law, we can have no case, however rare, of any violation of this consistent and unchangeable principle by virtue of any dispensation. The hon. Member for Marylebone (Mr. T. Chambers) pleads that his present Bill throws the old law into confusion only on one point. He admits that there ought, speaking generally, to be no dispensation — no difference between classes. He only strikes out of the list of prohibited degrees one isolated class and places it within the degrees in which marriages are permitted. Well and good; but he further says — "I propose to enact that these specific marriages shall take place only before a civil officer. I do not require that they shall be legalized by any ecclesiastical officer, or by the presence of the incumbent of the parish church; I only propose that they shall be allowed before the registrar." Well, but here at once you set up two classes of marriage in the land. You break down that simplicity and uniformity of the system on which the conjugal relations have for 300 years been based. You admit the principle of dispensations into our system. What is this Bill but one gigantic recognition of dispensations, framed to admit one particular class of marriages according to one form and in one building, while they are prohibited in another form and in another building. If once you admit the principle of classification in marriages, where are you to stop? How are you to meet those exceptions which, on various grounds of human selfishness, have been admitted in other countries? If you have one class of marriages which may be celebrated in a place of worship, and another class which must be celebrated before the registrar, you will soon have to recognize left-handed marriages and all those other Continental irregularities which, in our insular simplicity, we have hitherto avoided.

But I have to speak now to the subject-matter which my right hon. Colleague has raised by the simple, definite issue of this Amendment on which I was prepared to have spoken when the observations of my right hon. Friend compelled me to travel farther from that point than I desired. The Amendment invites a comparative survey of the marriage law of other countries; and on that subject I have a few facts to bring forward which will make clear to the mind of every candid man that you cannot make the change which the hon. and learned Gentleman wishes without going much farther and adopting other changes on which he would look with as much aversion and horror as I do—I mean such changes as the marriage of a widow with her deceased husband's brother; the marriage of a uncle with his deceased wife's niece; the marriage of a uncle with his own niece; or of a nephew with his own aunt. I say—and I challenge the hon. and learned Member to disprove it—that once this present Bill shall become law the legalization of the other marriages will only be a question of time, and of a very short time too. I found myself in this opinion on what is called the irrefragable logic of facts—on the fact that in all the countries of civilized Europe, where marriage with a deceased wife's sister is tolerated, either absolutely or by dispensation, the other classes of marriages are also tolerated. Let us take the matter historically. Who was the first Pope who granted a dispensation for marriage with a deceased wife's sister? It was Alexander the Sixth, Roderick Borgia. This too well-known Pontiff gave such a dispensation to Emmanuel, King of Portugal; and then, for the first time in the Christian world, marriages with a sister-in-law were sanctioned by the highest Christian authority. But he did one thing more—he afterwards gave a dispensation to Ferdinand, King of Sicily, for marriage with his own aunt. That marriage also took place in the face of Christendom under the dispensation of Pope Borgia, and from that period to the present one, in Roman Catholic countries, the marriages of uncles with their nieces, and of aunts with their nephews, from time to time occur to the scandal of all pure-minded people of that communion, as well as of our own. Looking to the miserable annals of the monarchy and nobility of Spain and Portugal, which has culminated in Spain in its present state of not being able to obtain a monarch to preside over it, I believe that at the bottom of this state of things—mingled with other corruptions, no doubt—must be reckoned the unblushing practice of this class of marriages—marriages of uncles or nephews with nieces or aunts—which has openly prevailed in the Royal and noble families of the two kingdoms, and has issued in producing among the nobility a weak and puny race, feeble in body and contracted in mind. We come now to France. Under the old French system, which closed with the guillotine, marriages by dispensation within the unlawful degrees went on continually increasing. Once, indeed, in 1723, the Parliament of Paris had the moral courage to quash one of these alliances, though it had been celebrated by Papal dispensation; but, still, the practice grew till it perished on the scaffold that was erected at the Revolution. Then comes the Code Napoléon. The eminent jurists who framed that code prohibited marriages between brothers and sisters-in-law, between uncle and niece, and nephew and aunt. And here let me appeal to those of my opponents who talk so much of progress and liberty to note that by the Code Napoléon these marriages were absolutely forbidden. But it is not so now; these marriages are now tolerated by the easy means of a dispensation from the head of the State. And when did that happen? At a period of French legislation which no one would call the brightest in her annals—in the early and more disturbed days of the July Monarchy. On the 16th of April, 1832, a law was passed modifying the article of the Civil Code to this extent—

> "Nevertheless, it is allowable to the King to abrogate, for grave reasons, the prohibitions enacted in the 162nd article in respect of marriages between brothers-in-law and sisters-in-law; and, by the 163rd article between the uncle and the niece, the aunt and the nephew."

So was this change accomplished in that country, which is every day, by the increase of facilities of locomotion, brought nearer and closer to us, socially, politically, and morally; and yet it is within the last 38 years that not only marriages of brothers and sisters-in-law on both sides, undistinguished in the Code, have been made legal by an easy and cheap dispensation obtained from the head of the State, but also those between an uncle and niece, and between a nephew and aunt. Well, if such a state of things can, and does, exist in France, is it chimerical in us to take care of the first steps, and watch where the drift of public opinion here will drive us if once we pass this measure? I come now to Germany. In Roman Catholic Germany such marriages are allowed by Papal dispensation. A newspaper, detailing the funeral of a distinguished Austrian marshal lately dead, quite accidentally told us that his wife was his niece. But I turn to Protestant Germany. That is a country which is often quoted—and justly quoted—to us as a model of education and civilization, a country which is held up to us — and I do not blame those who do so—as having given that education which we wish to give to every labouring man in the land, and as therefore being a beacon light which we are bound to follow. Take Protestant Germany—what is the state of that country as to its marriage law? Before the Commission of 1848 there came a German lawyer, M. Adolphus Bach, summoned, as an expert, to give evidence as to the condition of Germany, who gave his evidence with great force and fulness, and with an evident desire to state the truth as to the marriage law in his country; but, at the same time, with an appreciation of its distastefulness to English hearers, which was a sufficient safeguard against exaggeration. M. Bach stated, that in Protestant Germany the marriage of a widower with a deceased wife's sister was permitted by dispensation from the Consistorial Court, or from some other courts acting in the name of the Sovereign, with one exception — namely, Prussia—the portion of Germany pre-eminent for its education and literary pretensions. What, then, was the state of the case with regard to Prussia? There such marriages were allowed without any reason shown, and without the formality even of a dispensation. There was free trade in marriages open in Prussia to all—as well in those between brothers and sisters-in-law as also in those between uncles and nieces and aunts and nephews, with this one exception, that a dispensation was required where the aunt was older in years than her nephew. Ever since 1791 this absolute free trade in marriage, both as regarded consanguinity and affinity, had existed in Prussia. M. Bach stated that the marriage of an aunt with her nephew was a comparatively rare thing. Well, I am not surprised at that. One question put to M. Bach was this —"Is the marriage of an uncle with his own niece considered incestuous?" He replied—"In a great many parts of Germany it is not; in some parts it is." Is this the assertion of a sensation writer? Is it the remark of the correspondent of a newspaper, who is sent to make up a case? On the contrary, it is the truthful evidence given by a German lawyer, who knew the resentment that would be shown in his own country if he mis-stated the facts, and who also knew how unpalatable they would be in England; who had no inducement to give untrue evidence; and who gave his evidence under a manifest sense of responsibility. It is this credible witness who tells us that, in a great many parts of Germany, a marriage of an uncle with his niece is not considered incestuous. And what country is it in which this state of things is found? Is it among a people of the Latin race? Is it in Greece, or in Roman Catholic countries? Is it in a country where an inferior civilization prevails? No; it is in Protestant Germany; in highly-educated Germany; in Saxon Protestant Germany, that the marriage of an uncle with his niece is not considered incestuous; and I ask those Gentlemen who are disposed to follow the hon. and learned Member for Marylebone into the Lobby, whether this fact is not a test of their principles which they ought to pause on and consider? In Denmark the state of the marriage law is the same in regard to brothers and sisters-in-law, aunts and uncles, nephews and nieces. Again there is another Protestant country most nearly related to us by common national descent, common habits, and much that is common in feeling—I mean Holland. In Holland, by act of the Legislature, the marriage of brothers and sisters-in-law, of an uncle with his niece, and of an aunt with her nephew, are allowed under dispensation. These facts abundantly prove that over Protestant Europe, in Germany, in Holland, and in Denmark, these marriages are allowed, whether by dispensation or absolutely; and also that in all Roman Catholic countries the marriages with brother's widow, aunt, and niece go *pari passû* with the allowance of marriage with a deceased wife's sister. What more do you want to show that these evils, which I am sure the hon. and learned Gentleman deplores as much as we do, would follow upon the passing of his Bill?

But what is the case of the prohibited degrees in England itself? An attempt was made before the Commission of 1848 to show that marriage with a deceased wife's sister was not unpopular in England; that it was contended that the limited inquiry carried out by the promoters of the change exhibited 1,648 alliances of the kind as having taken place in England since the passing of Lord Lyndhurst's Act, and that, on an arithmetical calculation, it must follow that 10,000 cases were the sum total for the whole country. These statistics were, however, torn to pieces by Mr. Goulburn, who showed that, if the supposition were correct, one widower in every four who married a spinster must have married his wife's sister. Except, then, these statistics—one half of which were thus torn to pieces, and the other half tore themselves to pieces in the impotence of the promoters to find more than 40 poor men's cases out of their own boasted 1,648—there was no argument whatever for the change as a remedy needed for a practical grievance. Some persons, who wished to fill up the gap made in these statistics, set on foot a private investigation, making use of the assistance of the parochial clergy, to whom they sent forms inquiring what was the number of unlawful marriages to which each could testify, and within what degrees of consanguinity or affinity they were contracted. The Return is now some 20 years old; but it is as good now as it was then—the habits of the people are the same; the passions and the temptations which led to these conjunctions then are as potent now to lead to them. The numbers returned were not large, for replying was perfectly optional; but it is not the numbers to which I wish this House to look—it is to the proportions of the various unlawful marriages to which I call attention. The Returns, though not complete, covered a broad selection of the districts of England, and it may well be assumed that similar proportions would reign elsewhere. I can speak confidently of the faithfulness of the papers; and it is, as I said, to the proportions of the different degrees which I call upon this House to consider. The proportion, then, in 1849, was that, out of 269 marriages within prohibited degrees of marriages, with a deceased wife's sister there were only 178—not two-thirds of the whole—there were 41 with a brother's widow, six with an own aunt, six with a wife's daughter, one with a half-sister, one with a father's wife, two with a son's wife, three with an uncle's wife, 11 with a wife's niece, and one, shocking to state, with an illegitimate daughter.

Mr. MELLY: Were these marriages in church or chapel, or simply concubinages?

Mr. BERESFORD HOPE: The Returns were obtained from a private inquiry, which could not be tested with accuracy. It was a general paper sent round to the parochial clergy, asking them to state what marriages of this nature were within their personal cognizance. I presume, therefore, that these were marriages taken all round—some in church, some in chapel, though some might represent concubinages—but, even if they do, testing popular feeling in regard to unlawful conjunctions. The House will observe that in this return there are two cases of marriage with a son's wife; and I may state that last year I received a letter from a correspondent which informed me that in a certain well-known borough towards the Eastern Counties there is an individual, occupying a respectable station in life, who has married his son's widow upon the argument—who can be so good a protector of a son's children as their grandfather? Well, but that argument, I venture to say, is just as good as four-fifths of those arguments that have been brought forward in favour of this Bill. I should rather say it is the acceptance and continuation of the same arguments. All that we have heard about the aunt being the best protector of her sister's children is just as good or just as worthless as the argument in favour of the grandfather. If these marriages are right and proper in themselves, well and good—*cadit quæstio;* but if there is something intrinsically wrong about them—and that there is felt to be something wrong all these laboured defences go to prove—then, all the sentiment we hear about making the aunt a better aunt by transforming her into a stepmother, simply falls through. Once pass this Bill, and the time and the party will soon arrive which will seek to induce Parliament to sanction other marriages on grounds just as logical, just as true, just as strong—nay, it may be stronger—than those which are now urged to sanction marriage with a deceased wife's sister. What is the ordinary argument? We are appealed to on behalf of the disconsolate widower who is left with his motherless children, and who feels the necessity of finding some kindly soul to exercise a mother's care for them. But our sex is the stronger; men find it comparatively easy to get on in the world; we have more self-reliance and withal more both to distract thought and invite attention; and it must be, therefore, comparatively easy for a father to find a step-mother for his children without confining himself to his dead wife's own family. But take the case of a poor widow, who wants a man with a strong arm to protect her, and render to her helpless offspring that succour and protection which she, in her sorrow and desolation, is incompetent to afford. Where is she to find that strong arm more readily than in her husband's family—in him who bears her husband's name, and who will have the credit and honour of hers and his own and his brother's flesh and blood at heart. These arguments are fully as good and as logical as any that can be urged in favour of marriage with a deceased wife's sister. They are of the same class, only a little more cogent. The whole argument is an exceedingly painful one; but it is not we that have propounded it—it is not we that have brought it on—and I believe that all you have said for the last 20 years—and that you will continue to say for, I hope, 20 years to come, and long after, unless you learn a timely silence—will be thrown in your teeth as soon as you have passed this Bill, as arguments in favour of the marriage of a deceased brother's widow. There is not one of your arguments, however eloquently urged, which is not as strong and as valid for the marriage of a deceased brother's widow as for the marriage of a deceased wife's sister. You find that on the Continent the nearest degrees of consanguinity—when it comes to the marriage of an uncle with his niece, or of a nephew with his aunt—are not held sacred. If we are to pass this Bill, it will come to the same in this country. The younger Members of this House will hear these changes advocated; they will hear from the Treasury Bench the argument addressed to them—that because there has been violations of the law, confessed misdoing ought to be held as an argument in favour of an abrogation of the law. I do not apologize to this House for the length of time which I have addressed them—I do not apologize to the House for the painful topics on which I have dwelt. The arguments I used are only those of the other side turned upon those who first urged them. The topics have been forced upon us. But I charge every one who is about to follow the learned Common Serjeant into the Lobby on this Division, to lay to heart that he is going into the Lobby with the certainty that he is voting not only for marriage with a deceased wife's sister—you are, all of you, voting for marriage with a deceased brother's widow; you are voting for marriage of an uncle with his niece; you are voting for marriage of a nephew with his aunt.

Mr. MELLY said, he must deny that all these marriages would necessarily become legalized if the Bill were passed. The promoters of the Bill had no ulterior views; and that being so, they were not going to be intimidated by the cry that by voting for this measure they were pledging themselves to other propositions. What they were voting for was the proposition contained in the four corners of the Bill, and nothing else. They did not wish to disturb the general Law of Marriage. They only wished to remove one restriction, which they considered ought never to have been imposed. Notwithstanding all that had been said by the hon. Member who had spoken last, he maintained that of late years there had been a large increase of public opinion in favour of the Bill. That fact was made abundantly manifest in the Divisions that had taken place last year, in which larger numbers voted for the Bill than upon any previous occasion. The hon. Member had answered himself upon some points, for there could be no be no better demonstration of the will of the country than large majorities in the House, and he admitted that he had lost a seat through his votes on this question. He (Mr. Melly) did not deny that the Bill demanded a large sacrifice on the part of the upper classes; but what if it did? If a rich man lost his wife he could engage governesses, and make such domestic arrangements as to obviate all difficulties. But when they came to the working classes the case was entirely different. It was from a personal canvass in the large manufacturing districts of Preston and Stoke-upon-Trent that he learned the feeling of the working classes on this subject. They were now as desirous, on moral and religious grounds, to remove the present restriction as the opponents of this Bill were to retain it. In some of the manufacturing districts high wages led to early marriages, and constant labour induced premature deaths. The parties lived sometimes in two rooms; often in one; and when the wife was on the point of confinement the person invited to come and assist in the house was invariably the sister-in-law, who, if the wife died, remained to take care of the children. Under those circumstances was it not, he asked, most desirable that a marriage should take place? The hon. Member opposite (Mr. Beresford Hope) said it had been ascertained that out of 1,608 of these marriages the parties in only 40 cases belonged to the working class. But that was because the law forbade the marriage. As it was, the parties frequently lived in concubinage with the full consent of the community amongst whom they dwelt, and they were not looked upon as persons were whose marriage would be legal. Therefore, by prohibiting these marriages we were lowering the respect for the marriage tie. The wealthy man could go to Germany and satisfy his conscience and that of his presumed wife; but the poor man could not do so. It was difficult to separate this matter from the old question between the Church of England and the cause of freedom, because the canon law of the Church was maintained by the law makers of the country contrary to the wishes of the people.

EARL PERCY said, the last speech was a fair sample of those usually made on that side of the question. The Motion before the House took a large view of the question, and asked hon. Members opposite to do that which they had always refused to do, and what the hon. Member had carefully avoided doing—namely, to define the principle by which they would be guided. The hon. Member said the question was contained within the four corners of the Bill, and he had hoped to have heard what the hon. Member's idea of the question was, but he never stated it. The rule which had been held from the earliest ages of Christendom was now impeached by the hon. and learned Member for Marylebone (Mr. T. Chambers). It was said that the Roman Church did not hold the rule, because it had granted dispensations to depart from it; but a dispensation dispensed with something, and, if not with a law, he did not understand with what; and he believed the Roman Catholics would be exceedingly unwilling to have it said that the proposed change of the law was in accordance with the rule of their Church. He agreed that the power of the State to fetter a man in the choice of a wife was a grave one, and ought to be based on clear principles. The rule hitherto had been perfectly clear and precise; it included and excluded a certain number of affinities, and neither more nor less; and those who objected to it ought to lay down some other law which would be equally clear and precise in including and excluding a definite number of cases. It was some such law which the right hon. Gentleman who proposed this Motion (Mr. Spencer Walpole) had in view; but it was impossible to extract such a definite rule from hon. Gentlemen opposite. He would be most unwilling to imply any idea of insincerity in their motives in bringing forward this measure; but if there was anything which could induce such an idea it was their unwillingness to come face to face with the difficulty, their readiness to throw over the present rule, to substitute nothing in its stead, and to leave everything unsettled. If this Bill was a just one we had been doing a great injustice for a very long time; and if it was true, as had been said, that the Bill did not go far enough, they would be inflicting a grave injustice by passing a partial measure, which was based upon no principle. He had avoided the social part of the question, believing that the support of, or opposition to, this Bill ought to be based upon religious grounds; for although some might think certain marriages inexpedient, they had no right to prohibit them unless they were also forbidden by the law of God. Last year the hon. and learned Member for Marylebone said the same thing. But when hon. Gentlemen discussed the social part of the question, they did so as if they took it for granted that everybody must wish to marry his deceased wife's sister. They said that the only person to take care of the orphan was the sister; and if that were the case it appeared to be the best argument against the Bill; because directly the Bill was passed a man would be obliged to marry his deceased wife's sister, or to live in a way that would give rise to scandal. With these feelings he should oppose the Bill in all its stages. He trusted the House would not pass a partial measure and a piece of class legislation. If the law was to be changed, it should be dealt with in a more comprehensive spirit; but he could not avoid fearing the conduct that had brought punishment upon heathen nations would be visited by penalties as severe when followed by a Christian country.

Mr. DENMAN said, he thought the principle upon which the Bill was based was to be found in the New Testament, and it was that of removing an insupportable restriction, a burden the weight of which the people were not able to bear. So far as he could form an opinion from what had been written by learned divines and Jewish Rabbis, the Mosaic law was rather in favour of the marriages in question than against them, and therefore the right hon. Gentleman opposite (Mr. Spencer Walpole) had wisely abstained from the argument usually founded on the verses in Leviticus, and rested his case solely on the social effect of the proposed change. It was not necessary to meet speculation by counter speculation, nor to argue the matter as the hon. Member for Stoke (Mr. Melly) did. In these matters an ounce of fact was worth a pound of theory; and one of the most enlightened of jurists, Mr. Justice Story, of the United States, in some parts of which the law permitting such marriages had for a long time been in operation, said, that in point of moral tendency these marriages were the best sort of marriages, and that he never heard the slightest objection to them founded upon moral or domestic considerations. That opinion might be set against all speculation on the subject. It was said that this agitation was directed chiefly by persons of substance; but was not that more or less true of all agitations on great questions? He believed it would be very difficult to show that the 15,200 names attached to the Petition presented from Glasgow were the names of persons who were rich. On the contrary, he believed that a very large proportion — considerably more than half—were the names of men in the poorer classes of life, upon which the present state of the law pressed with great hardship, inducing many to live in concubinage because their marriages could not at present be legally solemnized. Having, nine years ago, placed his name on the back of a Bill intended to effect an alteration in this portion of the Marriage Law, he had received innumerable letters complaining of the hardships inflicted upon the writers. Among others he had received a touching letter from a man occupying a high position as a farmer, in which the writer said that, having contracted such a marriage as this at the express request of his wife, made on her death-bed, and having gone to Switzerland to make the marriage as binding on their consciences as was possible, he found on his return that none of his friends exhibited the smallest degree of coldness towards himself or his wife, but that the clergyman refused to church the latter, to christen the child, or to deal with them in any such way as he would have done if the marriage had not been contracted. Unless there was some natural objection to such marriages, which came home to the consciences of the people, the rule of freedom ought to prevail. Archbishop Whately, in a letter addressed to his (Mr. Denman's) father on this subject in 1853, said he was convinced of the inexpediency of the present law; but that argument would be useless in the then state of public opinion, as the supporters of prohibition who quoted the Mosaic law, were evidently "proof-proof." The Archbishop compared the arguments drawn from Scripture against these marriages to the non-employment by the Jews of fresh meat and butter at the same meal, on the ground that they were forbidden to seethe the kid in its mother's milk, and added—

> "I myself have never in public given any opinion as to the advisableness of the marriage in question, and I never will. Nor, again, have I ever maintained that the Jew is a fit person to sit in Parliament, but I take my stand upon this ground — every man should be allowed to make choice of his wife or his representative according to his own judgment, and not according to another's, except where some public evil can be shown to result. The burden of proof clearly lies on those who would impose or continue this restriction, and that is a burden which facts prove they cannot sustain. What I maintain is, that each should be left at liberty to contract or abstain from such a marriage as he himself may judge best."

He (Mr. Denman) thought this letter completely answered the arguments adduced on the other side. He did not hesitate to state, in answer to some observations that had been made, that if as good a case could be made out at a future time for a Bill to legalize marriage with a deceased wife's niece as for this measure, he should not oppose such a proposition. That, however, was not the question before the House. The objection that the Bill only dealt with a part of the question of prohibited degrees ought not to be allowed. Believing, as he did, that they ought to deal with cases of difficulty and hardship as they arose, and believing that the present state of the law led to a vast amount of immorality and concubinage without being productive of any advantage to the community, he should have no hesitation in giving his support to the Motion for going into Committee.

SIR ROUNDELL PALMER said, he had listened with great attention to the extract from a letter of Archbishop Whately which had been read by his hon. and learned Friend (Mr. Denman), but had failed to detect the slightest semblance of argument in its contents. It was written in the clear, lucid, and humorous style which characterized the compositions of that right rev. Prelate, and the writer displayed, as he usually did, great confidence in the justness of his own opinions. There was in it nothing more than a dogmatic condemnation of everybody else's arguments and opinions, combined with the expression of certain broad and general principles, which, if carried to their logical extent, would go far beyond the proposal contained in the Bill now under discussion. The views which he (Sir Roundell Palmer) had stated on several occasions on this question remained unchanged, notwithstanding the high authorities referred to by his hon. and learned Friend. He must, however, at the outset of his remarks, say that more justice had been done by his hon. and learned Friend the Member for Marylebone (Mr. T. Chambers) on this occasion to the arguments of those who were in favour of the alteration of the law than had formerly been the case; because it was shocking to his mind, and to the minds of those who took the same view of the subject as he did, that one law should be proposed to be laid down for England and another for Scotland and Ireland. It was quite clear, if his hon. and learned Friend was right in his legislation on this subject, he was also right in extending it to Scotland and Ireland. Of that there could be no possible question, because there ought to be but one Marriage Law for the whole of the United Kingdom. He could not, however, agree in the doctrine that the Marriage Law of the United Kingdom, and more particularly that portion which dealt with the protection which the law threw round families, ought to be dealt with, if dealt with at all, by piecemeal, or that we ought to wait for the complaints of any particular class, dealing with each complaint, as it arose, as a practical question, without thinking it our duty to investigate the general principle of the Marriage Law. He felt the strongest possible conviction that it was a course unworthy of the country and of that House, whatever might be the merits of this particular matter, to refuse to look at the question as a whole. Some might, perhaps, consider it unwise to have any prohibited degrees at all. Archbishop Whately apparently thought so; at all events, the principles enunciated in the letter which had been read by his hon. and learned Friend would go that length. If, however, there were to be any prohibited degrees, it ought to be shown where the line was to be drawn, and upon what principle that line was to be adopted. Were they to include or to exclude all cases of affinity corresponding to those of consanguinity, or only some? With the opinion of Archbishop Whately in respect to the value of the Levitical law, as such, so far as civil legislation was concerned, he respectfully agreed, because he entirely subscribed to the proposition that what was merely the law of Moses was not necessarily the law for them. But it appeared to him that the principle of this Bill was, in the narrowest sense, Levitical and Mosaical, because those who advocated the change in the law were compelled to found their arguments upon a particular text, and that an obscure one, alleging that these marriages ought to be legalized because this text contained nothing which prohibited them. In his argument against this Bill, however, he did not intend now to take his stand upon any assumed interpretation of any portion of the Levitical law. It was not in the House of Commons—and after the experience of so many years, though, he believed, he had once been guilty of doing it—that he should venture into the region of Levitical interpretation. But they ought to know distinctly on what principles they should proceed. If it was urged that there was a certain verse in Leviticus which might seem to sanction such marriages as these, though to him it seemed otherwise, there could be no doubt that a case, at least, equally strong could be made out in favour of marriage with a deceased husband's brother. Was the hon. and learned Gentleman prepared to adopt that? Or if they were to have no prohibited degrees of affinity, let them legislate on that principle. At any rate it would be better to legislate on some such fixed and definite principle rather than merely to satisfy the demands of certain rich men who were subscribing money, keeping up this agitation and breaking the law systematically. Whatever else might be a good reason for legislation, that certainly could be none; and to deal with an isolated question of this kind, without giving or adopting any consistent rule, founded on any principle whatever, could certainly not be right. But, above all, he must protest, in the interests of law and society generally, against the retrospective provisions of this Bill. No doubt those who supported this measure out-of-doors would think it of little value unless it were retrospective, because the whole object which they had in view was to legalize their own illegalities. But on this point the law was clear; in all cases it had been decided against them; and, notwithstanding this, they went on from year to year violating the law and encouraging others to do it. The law, therefore, if altered, should not be altered in their favour; it should not be altered to take them out of the status in which they had deliberately placed themselves, especially when such retrospective action might affect the interests of others. To do that, on such a subject as this, would be to encourage a contempt for the law; to teach people that they might break it with impunity, trusting not only to get it changed, but to get that change made retrospective. He could not but think that it was a most dangerous precedent, and one apart altogether from the particular merits of the abstract question, which the House would be very unwilling to establish or to follow in cases of a different nature; and if such a precedent were not safe with regard to the other laws affecting the interests of society, it could not be safe here. But what were the reasons for which any prohibitions concerning marriage existed at all? There would be no necessity for such prohibitions if they could rely upon that general repugnance to certain connections which prevailed in most well-regulated minds; and yet he believed every Member of that House would feel it necessary to maintain those prohibitions to, at all events, some extent. And for what purpose did those prohibitions exist? Was it not in order that they might throw the protection of the law round the constitution of families, round the domestic hearth; that they might throw that protection of the law round those persons who, in the interests of society and of the most sacred and tender affections of our nature, ought to be enabled to associate together upon a footing of intimacy and endearment, perfectly free from suspicion or restraint? It was necessary for that purpose that such prohibitions should exist, with the exception, perhaps, of the relationships in the direct ascending and descending line, such as parent and child, where, except in cases of enormous obliquity, the natural repugnance to such connections might, in general, be safely relied upon. But that natural repugnance, even in such cases as these, had not invariably been strong enough, they knew, shocking as was the fact. In the case of brother and sister, there was a time in the constitution of the human race when it was absolutely necessary for its continuance that such marriages should not be forbidden; but now, upon domestic and social grounds such a marriage was rendered impossible and was forbidden by law, in order that brother and sister might associate as brother and sister without the restraint and suspicion which would arise if it were possible for them to enter into any other relation. Then came the question of affinity. If a family necessarily included parent and child, brother and sister, was it not needful that the effect of marriage should be that which the law now made it—to introduce into the family circle and on the same footing as the others the husband's or the wife's parents and children, brothers and sisters? It was as needful for the wife to see her sister, as her sister, in her husband's family as it was before, and yet it was now proposed to deprive the wife of her sister's company, for that would be the result unless they allowed her to be the husband's sister as well. He did not say that the alteration in the law would generally cause the sanctity and purity of these relations to be violated, but they would be in danger of violation, and would, at any rate, be interrupted and disturbed. When, too, it was urged that there were many who desired to effect these marriages, he could only say that for one man who had any wish of this kind there were 50 or 100 who had not, and by legislating as was proposed they would be practically altering and injuring the wife's sister's status in 100 families to every one upon whom the alteration conferred any satisfaction. If they took a sister out of 100 families in order to introduce a wife into one, did they think the balance would be on the side of the good or the evil, looking at the matter in a social point of view? It might, of course, happen that the death of a man's wife left a family of young children without a mother's care. Was the wife's sister to be no longer a husband's sister, to be no longer the children's aunt, without exciting the suspicion, the evil surmise, and observations of the world? That danger was provided against by the present law; but it would, in his opinion, at once arise in case the alteration now proposed were made. Mr. Justice Story had been quoted by his hon. and learned Friend (Mr. Denman), as saying that no harm came of these marriages in America. He replied, that the question was not whether harm came of them, but whether or not we should interfere by law so as to destroy the family status of the wife's sister. He felt convinced that the law was necessary for the purpose of throwing a protection around families, and that if the law were altered that protection would be withdrawn. It was said that there were numerous instances among the poorer classes where the present law inflicted great hardship; but he knew also that the usefulness of the law which gave to the wife's sister the status of a sister was recognized among the poorer classes as well as the richer, and from the testimony of clergymen well acquainted with the poor of London and of some very populous country districts, he was led to believe that these marriages were not really more common among the poor than were other irregular connections, such, for instance, as bigamy; while among those who did not wish to marry their wives' sisters, there was the same dislike to an alteration in the law as there was among the higher classes. One thing certainly appeared to be curious—the whole of the arguments in favour of the Bill were drawn from the poor, but the agitation was confined to the rich. That agitation, too, was not disinterested, but had for its object the promotion of the views and interests of those who took part in it. He had stated that he should not trouble the House with any arguments upon the theological question, but he would beg leave to say a word or two on a matter that was frequently misunderstood. At the time of the Reformation reference was constantly made to those passages in the Mosaic law as indicating not the degrees, but the limits of relationship within which the prohibitions should range; and the Reformed Churches took, as the Roman Catholic Church had done—for that Church also, while extending the doctrine of impediments to marriage still further, recognized a material distinction between the Levitical and other degrees—the extreme limits which they found there, and included those degrees of relationship between them, to which by a parity of reasoning these prohibitions were applicable. Until recently there was, practically, unanimity of interpretation upon that subject, and it was not satisfactory, therefore, to be told, even upon the high authority of Archbishop Whately, that there was nothing in the religious argument. He had not founded his arguments against this measure upon theological grounds; but it did not detract from the weight of the social arguments against it to find that the religious arguments pointed in the same direction. When, therefore, he said that he was content to argue this question upon social grounds, he did so believing that the religious argument was also in favour of the view which he took, and that the removal of the restrictions, of which he held the final cause to be domestic and social, would, at the same time, involve a violation of the principles of morality and sound religion.

Mr. T. CHAMBERS said, he believed that the opinion and practice of the whole civilized world were sufficient refutation of the arguments which had just fallen from his hon. and learned Friend (Sir Roundell Palmer), and which had been used a thousand times before. His hon. and learned Friend argued that a sister-in-law could not live with her brother-in-law, in case of the removal of these restrictions, without giving rise to scandal, reproach, or suspicion; but the thing was done at present, without any such mischievous results, throughout the whole civilized world. Lord Lyndhurst had admitted that there was not a State more pure in the morals of its people than that of Massachusetts, where these marriages were permitted. He (Mr. T. Chambers) could not concur in the statement that this was a Levitical Bill. The opposition to it had originally been founded on a Levitical argument, and that argument had been encountered by a Levitical refutation; but the objection to the measure on that, as well as social grounds, had now, he was pleased to see, been abandoned in the Amendment now under consideration. With reference to the charge that this Bill was the result of an agitation carried carried on by the rich, he should be glad to learn what agitation of any kind had ever been carried on by the poor. Indeed, how would it be possible for the poor to protect themselves if it were not for the assistance of the wealthier classes? He was amazed that his hon. and learned Friend in that House should object to the retrospective part of the Bill. What about the Act of 1835? If this prohibition were repealed, it would be because the public opinion of the country had decided that it never ought to have been imposed and that it was not just to retain it; and if that were so, how could any man come forward and say—"Whatever you do as to the future, let the past remain untouched, and let the children of former marriages of this kind remain bastards?" Now, what was the nature of the Amendment to the Motion before the House? He was very glad that he had yielded to the representations made from the other side, and to the persuasions of Gentlemen on his own side, when he allowed such a long interval to elapse between the second reading and the present stage of the Bill, in order that its opponents might have time to present their case in the best form. They had had plenty of time to consider the question, to discuss it among themselves, and to determine what form the Amendment should finally assume. That Amendment in its final form his right hon. Friend (Mr. Spencer Walpole) had moved to-day. It was well worth consideration, but did it touch the social objections on which his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) had dwelt so much? Not at all. It altogether ignored them, and the scriptural objections also, so that some progress in the argument had been made at last. The Amendment consisted of two parts. The first, was that it was proposed to alter the Marriage Law which had existed from time immemorial, and the second, that it was inexpedient to do that until Parliament had considered whether degrees of affinity should be put on a different footing from degrees of consanguinity. Now, the two assumptions contained in the Amendment were alike without foundation. The first was that the Marriage Law as it at present stood had existed from time immemorial. Time immemorial may, with more or less propriety, be interpreted to mean historic as distinguished from prehistoric and legendary times; legal memory, or the reign of Richard the 1st, or living memory. On either of these interpretations the assumption in the Amendment is baseless. The Marriage Law was not the same that it had been in historical memory, for it had come down within that period from seven degrees of affinity to four. It was not the same in legal memory, because it had come down from four degrees of affinity to two. And it was not the same in living memory, because Lord Lyndhurst's Act altered it in 1835. The alterations that had been made were every one of them excellent precedents for the Bill which he had brought in. Indeed, so far from there being such stability in the Marriage Law as to make interference unwarrantable, it would be far nearer to truth and accuracy to say that the perpetual alterations which had been made in it would justify this Bill, if justification for further alterations were needed. The second assumption in the Amendment was that affinity and consanguinity ever did hold as regarded the Marriage Law such relations as would justify the phrase "corresponding degrees." There was a fallacy in the words "corresponding degrees." Could his right hon. Friend opposite, or any other man, give a single proof from ancient or modern times that affinity and consanguinity were ever reckoned the same thing in regard to marriage? Had his right hon. Friend suggested a single reason from the history of the Christian Church that would justify the assumption that affinity and consanguinity in relation to marriage were the same thing? Not one. The principle of dispensation had been talked of; but dispensation was from ecclesiastical and not from Divine law, and hence it never applied to consanguinity. The right time for raising this question was in 1835, when Lord Lyndhurst passed his Bill, which touched 20 cases of affinity and abolished every one of them. He would read a portion of the Preamble of Lord Lyndhurst's Act. It said—

> "Whereas marriages between persons within the prohibited degrees are voidable only by sentence of the Ecclesiastical Court pronounced during the lifetime of both the parties thereto, and it is unreasonable that the state and condition of the children of marriages between persons within the prohibited degrees of affinity should remain unsettled during so long a period"—

Here, let it be observed, that the first allusion to "prohibited degrees" said nothing either of affinity or consanguinity, but the second expressly mentioned degrees of affinity, and affinity alone. It then went on to say—

> "And it is fitting that all marriages which may hereafter be celebrated between persons within the prohibited degrees of consanguinity or affinity should be *ipso facto* void, and not merely voidable. Be it therefore enacted . . . . that all marriages which shall have been celebrated before the passing of this Act between persons being within the prohibited degrees of affinity shall not hereafter be annulled for that cause," &c.

What about consanguinity, then? When that Act passed there were persons living together within the prohibited degrees of consanguinity, and yet it was not proposed that the children of such connection should be rendered legitimate. How, then, could it be said that the questions of affinity and consanguinity were determined by the same considerations? What Bishop in the House of Lords got up, when Lord Lyndhurst's Bill was before it, to say that affinity and consanguinity ought to be put on the same footing? Not one. They knew very well that the words "corresponding degrees" were themselves a fallacy. The doctrine *affinitas non generat affinitatem* must be regarded as holding good; so that strictly speaking there were no degrees of affinity. Did his right hon. Friend really desire to bring the question of the 20 degrees of affinity into discussion in that House? Why he would loathe the very idea of such a thing. Hon. Gentlemen opposite did not really believe that it was the same thing for a man to marry his wife's sister as his wife's mother or daughter. Therefore, their object in proposing the Amendment was simply to obstruct the Bill, and the Amendment was not a *bonâ fide* one. The House of Commons had already decided the question on 33 Divisions, and what his right hon. Friend was really attempting to do was to reimpose a restriction which was already gone. They could not enforce the law; and, under these circumstances, he would commend to the consideration of the House the words of the late Earl of Derby, who said that he thought it unjust and unwise to prohibit by law that which they permitted in practice.

MR. COLLINS said, that the course which the debate had followed fully justified the action which he had taken last year, in somewhat straining the forms of the House so as to get a discussion upon the question whether the Marriage Law should be altered so as to affect other marriages of affinity. Though the First Minister of the Crown had stated that he believed we could stop here, they had heard from the hon. and learned Member for Tiverton (Mr. Denman), that he was quite prepared to go further; and, therefore, the House, if it passed the Bill, must do so with the perfect understanding that all the collateral relations must stand or fall together. They had hardly been met fairly by the hon. and learned Member for Marylebone (Mr. T. Chambers), because he had attempted to isolate the question. The feeling existed, and rightly existed, that if the proposed alteration were made, the same power should be given to a woman to contract marriage with two brothers as to a man with two sisters. Owing to the course he took last year with respect to giving permission to a woman to contract marriage with two brothers, he had received several interesting letters, some extracts from which he would read. As long as the law remained uniform no one would have a right to complain, but when the law was not uniform then a grievance was felt. One of the letters which he had received was from a woman who had married two brothers in succession. She said that the persons who had organized the association for legalizing marriages with a deceased wife's sister were either very selfish or very inaccurate thinkers. She had married two brothers, and was very much interested in this question. The command was given in Holy Writ with reference to the succession to land, that the man should marry the widow of his brother, and that command had never been annulled; for though the Jewish law had been done away the spirit of the law still remained the same, and though the redemption of the land could not be put forward now, as a plea why such marriages should be contracted, still if a man would be likely to make a better father for his brother's children than another, that was a better reason than the redemption of land. Such was the lady's reasoning on the subject. A great deal had been said about an act of justice, but if they gave a man power to marry two sisters it would be unjust to prevent a woman from marrying two brothers. Another letter to which he had alluded was from a man who had married the widow of his brother, and was dated from the borough he represented—Boston. The writer said—

> "Being a supporter of yours at the last election, I with others much appreciate the Bill on the marriage question, as to the deceased brother's widow, and being that way circumstanced myself, I should be glad if you would give it all the support in your power. I find you have moved an Amendment which will exactly meet my case."

These letters proved that they were legislating in the dark if they supposed that this was the only case in which legislation would be required. If they were to pass this Bill to-morrow he was not the man to oppose the extension of the principle, and his opinion was that in that case all marriages between degrees more remote ought to be allowed. Earl Russell expressed his opinion that if they made a change in the law they could not stop short with this measure, neither could he see the justice of saying to a man that he should be able to make a particular kind of marriage to suit his convenience while his widow would not have the same privilege. The noble Earl thought that the law should be equally applicable to both sexes. The real question at issue in his (Mr. Collins's) opinion was, whether any affinity except that arising out of the ascending or descending line should be held as a bar to marriage; but, if that were the case, it would be better to deal with the subject as a whole than to keep perpetually tinkering with the Marriage Law. There was a case mentioned to him in the Lobby by a Gentleman, who said that he had parted with his wife's sister two years ago, and he did not want to live with her again. But if this Bill passed the only chance of escape for the gentleman would be that in the meantime he should marry somebody else, and thus contract himself out of its operation. He did not think a person ought to be driven into such a marriage as this, therefore, if it should get into Committee, he would bring up an Amendment to meet such a case as he had mentioned.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 184; Noes 114: Majority 70.

AYES.

Adam, W. P.
Agar-Ellis, hon. L. G. F.
Anstruther, Sir R.
Ayrton, rt. hon. A. S.
Barclay, A. C.
Baring, T.
Barrington, Viscount
Baxter, W. E.
Bazley, Sir T.
Beaumont, Capt. F.
Beaumont, H. F.
Bentall, E. H.
Bentinck, G. C.
Biddulph, M.
Bowring, E. A.
Brewer, Dr.
Bright, J. (Manchester)
Brinckman, Captain
Briscoe, J. I.
Bristowe, S. B.
Brogden, A.
Brown, A. H.
Bruce, rt. hon. Lord E.
Bryan, G L.
Buller, Sir E. M.
Bury, Viscount
Buxton, C.
Campbell, H.
Candlish, J.
Carnegie, hon. C.
Carter, Mr. Alderman
Cavendish, Lord F. C.
Chadwick, D.
Chaplin, H.
Cholmeley, Captain
Clay, J.
Colebrooke, Sir T. E.
Crawford, R. W.
Dalglish, R.
Dalrymple, D.
Davison, J. R.
Denman, hon. G.
Dent, J. D.
Dickinson, S. S.
Dilke, Sir C. W.
Dillwyn, L. L.
Dixon, G.
Dodds, J.
Dodson, J. G.
Dowse, R.
Edwardes, hon. Col. W.
Egerton, Capt. hon. F.
Enfield, Viscount
Eykyn, R.
Figgins, J.
Fitzmaurice, Lord E.
Fitzwilliam, hn. C. W. W.
Forster, C.
Forster, rt. hon. W. E.
Fothergill, R.
Fowler, W.
French, rt. hon. Col.
Gilpin, C.
Glyn, hon. G. G.
Goldsmid, Sir F. H.
Gourley, E. T.
Gower, hon. E. F. L.
Graves, S. R.
Grosvenor, Lord R.
Grove, T. F.
Gurney, right hon. R.
Hadfield, G.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hanmer, Sir J.
Harcourt, W. G. G. V. V.
Harris, J. D.
Haviland-Burke, E.
Headlam, rt. hon. T. E.
Henley, Lord
Herbert, hon. A. E. W.
Herbert, H. A.
Hibbert, J. T.
Hill, A. S.
Hoare, Sir H. A.
Hodgkinson, G.

Holms, J.
Howard, hon. C. W. G.
Howard, J.
Hutt, right hon. Sir W.
Illingworth, A.
Jackson, R. W.
James, H.
Johnston, A.
Johnstone, Sir H.
Jones, J.
Kavanagh, A. MacM.
Kay-Shuttleworth, U. J.
King, hon. P. J. L.
Kingscote, Colonel
Knatchbull-Hugessen, E. H.
Lancaster, J.
Lawrence, Sir J. C.
Lawrence, W.
Leatham, E. A.
Lewis, J. D.
Lewis, J. H.
Liddell, hon. H. G.
Lowther, J.
Lusk, A.
M'Arthur, W.
Macfie, R. A.
Martin, P. W.
Mellor, T. W.
Melly, G.
Merry, J.
Miall, E.
Mitchell, T. A.
Morgan, G. O.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
O'Reilly-Dease, M.
Palmer, J. H.
Pease, J. W.
Plimsoll, S.
Pollard-Urquhart, W.
Potter, E.
Powell, W.
Price, W. E.
Rathbone, W.
Rebow, J. G.
Reed, C.
Richard, H.
Ridley, M. W.
Robinson, E. S.
Roden, W. S.
Rothschild, Brn. L. N. de
Rothschild, Brn. M. A. de
Rothschild, N. M. de
Russell, A.
Rylands, P.
St. Aubyn, J.
Salomons, Sir D.
Samuda, J. D'A.
Samuelson, B.
Sartoris, E. J.
Seely, C. (Lincoln)
Seely, C. (Nottingham)
Seymour, A.
Shaw, R.
Sherriff, A. C.
Sidebottom, J.
Simon, Mr. Serjeant
Sinclair, Sir J. G. T.
Smith, E.
Somerset, Colonel
Stacpoole, W.
Stansfeld, right hon. J.
Stone, W. H.
Strutt, hon. H.
Stuart, Colonel
Sturt, Lieut.-Col. N.
Talbot, C. R. M.
Taylor, P. A.
Tipping, W.
Tite, Sir W.
Tollemache, hon. F. J.
Tollemache, J.
Trelawny, Sir J. S.
Trevelyan, G. O.
Villiers, right hon. C. P.
Vivian, Capt. hn. J. C. W.
Wedderburn, Sir D.
Weguelin, T. M.
West, H. W.
Whalley, G. H.
Wheelhouse, W. S. J.
Whitwell, J.
Williams, W.
Wingfield, Sir C.
Woods, H.
Wynn, C. W. W.
Young, A. W.

TELLERS.

Chambers, T.
Morley, S.

NOES.

Adderley, rt. hn. Sir C. B.
Allen, Major
Arkwright, A. P.
Aytoun, R. S.
Barnett, H.
Barttelot, Colonel
Bateson, Sir T.
Beach, Sir M. H.
Beach, W. W. B.
Beresford, Lt.-Col. M.
Birley, H.
Bright, R.
Brise, Colonel R.
Broadley, W. H. H.
Cartwright, F.
Cave, right hon. S.
Cecil, Lord E. H. B. G.
Charley, W. T.
Clive, Col. hon. G. W.
Cole, Col. hon. H. A.
Coleridge, Sir J. D.
Collins, T.
Crichton, Viscount
Croft, Sir H. G. D.
Cross, R. A.
Cubitt, G.
Dalrymple, C.
Damer, Capt. Dawson-
Davenport, W. B.
Dawson, R. P.
Dimsdale, R.
Dyott, Colonel R.
Egerton, hon. W.
Elphinstone, Sir J. D. H.
Erskine, Admiral J. E.
Ewing, A. O.
Ewing, H. E. C.
Fellowes, E.
Floyer, J.
Forester, rt. hon. Gen.
Gordon, E. S.
Gore, J. R. O.
Gregory, G. B.
Grieve, J. J.
Hambro, C.
Hamilton, I. T.
Hardy, right hon. G.
Hardy, J.
Hay, Sir J. C. D.
Henley, rt. hon. J. W.
Hesketh, Sir T. G.
Heygate, Sir F. W.
Hildyard, T. B. T.
Hodgson, W. N.
Holford, R. S.
Holmesdale, Viscount
Hope, A. J. B. B.
Howes, E.
Hurst, R. H.
Hutton, J.
Kekewich, S. T.
Kennaway, J. H.
Kinnaird, hon. A. F.
Langton, W. G.
Legh, W. J.
Lowther, W.
M'Combie, W.
Mackintosh, E. W.
M'Lagan, P.
Maitland, Sir A. C. R. G.
Malcolm, J. W.
Manners, rt. hn. Lord J.
Matthews, H.
Miller, J.
Milles, hon. G. W.
Mills, C. H.
Montagu, rt. hn. Lord R.
Mowbray, rt. hon. J. R.
Neville-Grenville, R.
Newport, Viscount
Nicholson, W.
Noel, hon. G. J.
North, Colonel
O'Reilly, M. W.
Paget, R. H.
Parker, C. S.
Peek, H. W.
Pell, A.
Pemberton, E. L.
Percy, Earl
Phipps, C. P.
Raikes, H. C.
Round, J.
Royston, Viscount
Salt, T.
Sandon, Viscount
Sclater-Booth, G.
Selwin-Ibbetson, Sir H. J.
Seymour, H. de G.
Simonds, W. B.
Smith, F. C.
Smith, W. H.
Sturt, H. G.
Sykes, Colonel W. H.
Talbot, J. G.
Taylor, rt. hon. Colonel
Turner, C.
Vandeleur, Colonel
Walker, Major G. G.
Walter, J.
Waterhouse, S.
Wells, W.
Wethered, T. O.
Wyndham, hon. P.

TELLERS.

Monk, C. J.
Walpole, rt. hon. S. H.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Marriage between a man and his deceased wife's sister not void or voidable).

Mr. J. G. TALBOT said, he would propose, in lines 8 and 9, to omit the words "heretofore celebrated or contracted at any place whatsoever within the realm or without, or," in order to deprive the clause of its retrospective operation, which would have the effect of indemnifying persons who had broken the existing law.

Amendment proposed, in page 1, line 8, to leave out all the words from the word "heretofore," to the second word "or," in line 9, both inclusive."—(*Mr. J. G. Talbot.*)

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 177; Noes 90: Majority 87.

MR. T. CHAMBERS said, he would beg to move, in line 12, after "Scotland," to insert "or elsewhere," his object being to cover the case of such a marriage contracted abroad at the residence of an ambassador.

Amendment *agreed to.*

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. COLLINS said, he regretted that his hon. Friend (Mr. J. G. Talbot) had not given notice of his Amendment to omit the retrospective part of the Bill. Many an hon. Member now absent, if he had known that such an Amendment would be moved, would have stayed and voted upon it. He should have given notice of such an Amendment himself had he not feared that, if he had done so, it might have been said he had not kept his promise not to offer any unreasonable opposition to the measure. He hoped, however, that the question of the retrospective operation of the Bill would be raised again, after due notice, upon the Report, in order that the House might have a proper opportunity of pronouncing an opinion upon it.

Clause *agreed to.*

Remaining clauses *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

ADMIRALTY DISTRICT REGISTRIES BILL.

On Motion of Mr. GRAVES, Bill for establishing District Registries of the High Court of Admiralty in England, *ordered* to be brought in by Mr. GRAVES, Viscount SANDON, and Mr. RATHBONE.

Bill *presented,* and read the first time. [Bill 111.]

House adjourned at a quarter before Six o'clock

HOUSE OF LORDS,

Thursday, 28th April, 1870.

MINUTES.]—PUBLIC BILL—*Second Reading*—Oyster and Mussel Fisheries Supplemental* (62).

NEW PEER.

George Carr Glyn, esquire, having been created Baron Wolverton of Wolverton in the county of Buckingham—Was (in the usual manner) introduced.

GREECE—CAPTURE AND MURDER OF BRITISH SUBJECTS.

THE EARL OF CLARENDON: My Lords, in laying on the Table the correspondence and telegrams relating to the recent unfortunate occurrence in Greece, I may say that I have considered it my duty to keep the public and Parliament as perfectly and correctly informed as I could on the subject. Your Lordships are probably familiar with the correspondence, which has appeared in the newspapers, and which has been laid before the other House, but which could not be laid before your Lordships, because you were not sitting. Yesterday morning I received another important despatch from Mr. Erskine, dated some days before the massacre, throwing considerable light upon these transactions. I immediately sent to Mr. Erskine a telegram containing the answer that I thought it called for, and I embodied the substance of that telegram in a written despatch which was laid before the House of Commons last night. I therefore hope that it will be considered that there has been no delay on my part in giving the public all the information which I possess. In addition to the despatch I wrote yesterday to Mr. Erskine, I sent another to Mr. Barron, our Chargé d'Affaires at Constantinople, asking him to apply to the Porte for their zealous co-operation in arresting any of the brigands who might escape across the frontier and take refuge in Turkish territory. I have this morning received an answer from Mr. Barron, stating that orders have been sent by telegraph to Janina, Tricala, and to the military commanders at the different forts to arrest any of these wretches that may be found in the Turkish territory, and to deliver them up to the Greek authorities. Within the last half-hour I have received from Mr. Erskine a telegram, which I wish to read to your Lordships. It is dated this morning, and is as follows:—

> "I have sent a list of the brigands still at large to Mr. Barron. Upwards of 500 troops are in pursuit, and no exertion will be spared to capture and bring them to justice. The heads of seven killed have been publicly exposed, and five others are about to be examined. If convicted, they will be executed immediately."

My Lords, there is one point connected with this unfortunate incident on which some explanation is due to the public, and is required for my own justification. I mean with reference to the offer which was made to convey the brigands away from Greece to a place of safety. "Offer" is not the proper term; for it was a compliance with a suggestion sent by Mr. Erskine, with the assent or by the desire of the Greek Government—namely, that those brigands should be conveyed away in safety, because the amnesty on which they insisted was impossible. On the day following that on which I received the telegram from Mr. Erskine, the Greek Minister in London called on me and made the same request, saying that the Greek Government would shut their eyes to the conveyance of the brigands from Greece; but that it would be impossible to give the amnesty they insisted on, because such a step would violate the Constitution. I think your Lordships will sympathize with me in the position in which I was placed. I assure you that I was fully sensible of what I may call the humiliation and indignity of consenting to convey away these brigands in safety; but, on the other hand, the lives of their unfortunate captives were in jeopardy. And, when I came to consider what the motives of the brigands were, I could not help seeing that their plunder and the ransom they demanded would be comparatively useless to them unless they could escape. I could therefore well understand why they insisted upon their safety being assured; and I saw, that if an answer was delayed, they would probably murder one or two of their captives as a proof of their earnestness. I was alone in London—I could consult none of my Colleagues, who were all absent—I felt that the delay of even one hour might be fatal to the prisoners. I therefore did not hesitate to take upon myself the responsibility of the step. I know that my Colleagues will generously share that responsibility with me; but I wish it to be understood that the course which I took had its origin in the peculiar circumstances of the case, and that I am alone primarily responsible. If I did wrong, I think that the urgent and peculiar circumstances of the case may be pleaded as my excuse; but I also hope to be excused in reference to the general horror and indignation which this crime has provoked. Whether I was right or wrong, I certainly do not regret the step I took. When I consider that the lives of our countrymen were at stake, and when I bear in mind the grief and anxiety of their afflicted relatives, I should never have forgiven myself if the blame for what has happened had, in ever so slight and indirect a manner, been attributable to my want of courage in shrinking from the responsibility of the course I pursued.

The noble Earl then *presented* (by command) Correspondence (Parts I. and II., 1870) respecting the capture and murder by brigands of British and Italian Subjects in Greece.

The Earl of CARNARVON: My Lords, it costs me a great deal to address your Lordships; but I feel that it is only right that I should endeavour to give expression to two things. First of all I wish to tender in public, as I have already done in private, to my noble Friend my most heartfelt thanks for the efforts that he made—alas in vain,—to avert this dreadful occurrence. If I may go further, I would venture to express my deepest thanks to Mr. Hammond, who, during part of my noble Friend's enforced absence from the Foreign Office, has in some measure conducted the duties of it. Nothing will ever make me forget the kindness, the delicate consideration, and thoughtfulness that he showed in every single detail. As regards the Greek Government, it is not my place to speak. I cannot, indeed, feeling deeply as I do, regard them as otherwise than gravely responsible for this most cruel crime. With the facts as far as they are known to me I cannot but feel that these lives have been sacrificed either to criminal mismanagement or to some low party intrigue; but, on the other hand, though they did not in their acts show mercy to us, I wish to deal justly by them. I cannot suspend my judgment; but I wish to suspend, at all events, the formal expression of that judgment until the whole case in all its bearings is laid before Parliament. I trust Parliament will not then hesitate in the clearest language, and in the most unequivocal manner, to pronounce its judgment, whatever it may be, on this most horrible and atrocious act; and I would venture to entreat Parliament and the country, in thus suspending their judgment, not to allow the delay to dull in any degree the keenness of their present feeling, or induce them to abate one jot or tittle of the punishment which must be exacted when the hour of reckoning comes.

House adjourned at half past Five o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 28th April, 1870.

MINUTES.]—New Writs Issued—*For* Mayo, *v.* George Henry Moore, esquire, deceased; *for* Mallow, *v.* Henry Munster, esquire, void Election.

Public Bills—*Resolution in Committee—Ordered —First Reading*—Sale of Liquors* [112].

Committee—Irish Land [29]—r.p.

Considered as amended—Naturalization [86]; Marriage with a Deceased Wife's Sister* [11].

ARMY—WEIGHTS AND MEASURES IN CANTEENS.—QUESTION.

Mr. STEPHEN CAVE said, he would beg to ask the Secretary of State for the Home Department, Whether recommendations have been addressed by the Home Department to Chairmen of Quarter Sessions, to the effect that local inspectors of weights and measures should report deficiencies in the weights and measures used in Regimental Canteens to the War Office, instead of taking proceedings in the ordinary way; and, if so, upon what provision of Law these recommendations are founded?

Mr. BRUCE, in reply, said, it was true that, upon the representation of his right hon. Friend the Secretary of State for War that complaints had been made as to the weights and measures used in canteens, and on his request that a civil officer should be appointed for the purpose of ascertaining the accuracy of those weights and measures, he (Mr. Bruce) addressed a Circular to the Chairmen of Quarter Sessions to make arrangements for the inspection of canteens by the inspectors of weights and measures. That

had been done in some cases; in others the Chairmen of Quarter Sessions stated they had no power to order such inspection. He was not aware that there was any law for the inspection of canteens by the inspectors of weights and measures, nor did he think any such provision necessary. No proceedings were to be taken by inspectors; all they would do was to report to the War Office, which would then adopt such a course as they might think proper.

ECCLESIASTICAL TITLES ACT.

QUESTION.

Mr. STACPOOLE said, he would beg to ask the First Lord of the Treasury, If he can state when it is proposed to introduce the promised Bill for the repeal of the Ecclesiastical Titles Act?

Mr. GLADSTONE: Sir, the necessity for legislating on the subject-matter of my hon. Friend's Question is as great in the view of the Government as it has ever been, and, indeed, a case which was anticipated as possible has actually occurred, because one of the Irish Bishops having died, a gentleman has been appointed to the See of Kilmore who at present bears the title of the see conformably to law; but on the 1st of January it would become illegal for him to do so. It is, therefore, in our view, urgent to deal with the Ecclesiastical Titles Act; but the state of business makes it extremely difficult to anticipate at what precise time it would be possible to introduce a Bill. Her Majesty's Government have had it under consideration whether they may not be able to introduce a Bill on the subject in the House of Lords.

TRUCK ACT.—QUESTION.

Sir DAVID WEDDERBURN said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been directed to the reports of continued and systematic evasion of the Truck Act in Scotland; and, whether he is prepared to sanction a public inquiry by Royal Commission, or otherwise, into the working of that Act?

Mr. BRUCE said, in reply, that he was quite aware of the continued and systematic evasion of the Act, not only in Scotland, but in other parts of the country. Many years ago a Select Committee, on which he sat, was appointed to inquire into those evasions. The Committee took ample evidence, not only as regarded Scotland, but also England and Wales; but they were unable to agree on a Report, inasmuch as they found it difficult, if not impossible, to increase the stringency of the Act without interfering with freedom of trade. He did not think any new facts would be obtained by a Royal Commission, or that inquiry by a Select Committee would add anything to our knowledge. It would simply be adding another Blue Book to the many we already possessed. All he could say was, that as it was impossible for him to deal with the question this Session, if the hon. Baronet, or any other Member of the House, would take it in hand, Her Majesty's Government would be prepared to give their best consideration to any suggestions which might be made.

SALMON FISHERIES REPORT.

QUESTION.

Mr. H. A. HERBERT said, he would beg to ask the Secretary of State for the Home Department, Whether it be true that a review of the Report of the Inspectors of Salmon Fisheries appeared in "The Times" and "Daily Telegraph" of the 14th and 16th April instant respectively, being a fortnight before such Report was circulated amongst the Members of this House, or could be obtained by other newspapers or the public generally, and whether this has been done with the sanction of the Home Office; and, if not, whether he will cause inquiry to be made how this Report was so partially distributed, and by whom?

Mr. BRUCE said, in reply, that he believed it was true that the Report did appear in the newspapers mentioned on the 14th and 16th instant, which was previous to its being laid on the Table. That was done without the sanction or knowledge of the Home Office. He was informed that a copy of the Report was forwarded to the newspapers by the Inspectors of Fisheries, on the understanding that no use would be made of it until the Report was published. It certainly was an irregular proceeding, and he should take measures to see that it was not repeated.

CHAPEL AND SCHOOLS SITE BILL.

QUESTION.

Mr. OWEN STANLEY said, he would beg to ask the Secretary of State for the Home Department, If it is his intention, when the Chapel and Schools Site Bill is in Committee, to strike out the compulsory Clauses for obtaining sites for Chapels, limiting it to School sites only; and, if he intends to propose Clauses enabling owners of property with limited powers to grant or sell sites for Churches and Chapels by agreement?

Mr. BRUCE, in reply, said, with respect to the first part of the Question, his hon. Friend had rightly apprehended one of the intentions of the Government —namely, to object to that portion of the Bill which gave compulsory powers for obtaining sites for chapels. With regard to the second part of the Question, he believed it was the intention of his hon. and learned Friend who had introduced the Bill fully to provide for increasing the powers to grant sites for churches and chapels by agreement; and if, on examination of the Bill, these powers did not appear complete, it would be his duty to offer Amendments to secure that object.

SHALE MINES.—QUESTION.

Sir ROBERT ANSTRUTHER said, he would beg to ask the Secretary of State for the Home Department, Whether, having regard to the recent accidents in shale mines, he will make arrangements for including those mines within the provisions of the Mines Regulation and Inspection Bill?

Mr. BRUCE said, in reply, that before he received information as to the recent lamentable accidents in the shale mines in his hon. Friend's neighbourhood, he had directed inquiry to be made by the Inspector of Mines in that district, as to the expediency of including such mines in the operation of the Bill. The result of the Inspector's Report was, that he (Mr. Bruce) had determined to adopt the Amendment with that object which had been put on the Paper by the noble Lord the Member for Haddingtonshire (Lord Elcho).

ARMY—MILITIA ORDERS FOR 1870.
QUESTION.

Mr. BEACH said, he would beg to ask the Secretary of State for War, Whether by cancelling paragraph 16 of the Militia Orders for the year 1870 it is intended that no definite rule should exist as to which Officer of Militia is to conduct the correspondence with the War Office?

Mr. CARDWELL: Sir, the paragraph in question interfered in a way that was not intended with the functions of honorary colonels as prescribed by the Home Office Circular for 1853. By cancelling that paragraph, it is intended to revert to the provisions of the Circular.

GREECE—MURDER OF ENGLISHMEN BY BRIGANDS.—QUESTION.

Mr. W. C. CARTWRIGHT: I wish, Sir, to ask the hon. Gentleman the Under Secretary for Foreign Affairs, Whether he can give the House any information of a more recent date than has yet appeared, respecting the pursuit of that portion of the brigands who were reported, in the first instance, to have escaped the encounter which ended so fatally to our countrymen who were captives?

Mr. OTWAY: Sir, my noble Friend the Secretary of State lost no time in addressing to Her Majesty's Minister at Athens an inquiry on certain points on which—as has probably suggested itself to Members of this House—it is necessary that we should have fuller information in regard to the recent murders in Greece which have excited so much sympathy and indignation in this country. We have received from Mr. Erskine to-day a telegram which, with the permission of the House, I will read. It is dated Athens, April 27, 10 p.m., and it says—

> "I have sent a list of the brigands still at large to Mr. Barron. Upwards of 500 troops are in pursuit, and no exertion will be spared to capture and bring them to justice. The heads of seven killed have been publicly exposed here, and five others are about to be examined. If convicted, they will be executed immediately."

My noble Friend also entered into communications with the Turkish Government in regard to the probable attempt of the brigands to escape over the Turkish frontier, and they have been met by that Government—as it was to be expected they would be—with the most perfect willingness to do everything on their part to effect the capture of these brigands. From Mr. Barron, the Secretary of the Embassy at Constantinople, and now in charge of the Embassy there, we have also received the following telegram, dated the 27th of April:—

> "Orders have been sent by telegraph to Janina and Tricala, and the military commander, for the arrest of the brigands on Turkish territory, and to deliver them to the Greek authorities."

My noble Friend has received a further telegram from Mr. Erskine, dated this day, stating that the *Antelope* sailed at 10 this morning, for Malta, with the bodies of the three unfortunate gentlemen whose murder we so deeply deplore.

Sir JAMES ELPHINSTONE: Sir, it appears, from the intelligence which has reached us, that all necessary arrangements were made for sending home the bodies of the murdered gentlemen from Athens in a vessel of war, but it was found that those on the station were too small. A telegram which has been received now tells us that the senior officer had decided to send the bodies to Malta in the *Antelope*. Now, I wish to ask the First Lord of the Admiralty, What force of vessels he had in the Greek waters at the time of this lamentable occurrence, besides the *Antelope*, attached to the Embassy, and which the senior officer on the station stated was too small to convey the bodies home?

Mr. CHILDERS: My hon. Friend only gave me notice of his Question this afternoon, and without telegraphing to Athens I am not certain whether on the day of the murders the *Antelope* had arrived at the Piræus; but the only vessel besides her there was the *Cockatrice*, a gunboat carrying two guns. The *Caledonia* had been recalled by the Commander-in-Chief to Malta early in the present month to join the rest of the fleet for the usual cruise at this season.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE.

[*Progress 8th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Compensation in absence of custom).

Amendment proposed, in page 3, line 35, after the word "land," to insert the words—

"Provided always, That nothing in this Act contained shall exonerate a tenant under lease from the duty of giving up peaceable possession of the demised land at the end of the term, nor shall a landlord resuming possession at the termination of a lease be deemed to be disturbing a tenant within the meaning of this Act."—(*Mr. Headlam.*)

Question proposed, "That those words be there inserted."

Mr. HEADLAM said, his Amendment had been the subject of so much misrepresentation that probably the Committee would allow him to express clearly its precise meaning, and what the misrepresentation was of which he complained. In all the various criticisms on the Amendment, which might be found in the public papers, he had observed that the words of the Amendment were carefully kept out of sight, and representations were made of its purport in effect inconsistent with the words of the Amendment itself, but convenient enough for the observations made upon it. The Committee had already passed one paragraph of the clause embodying a scale of compensation to be paid to tenants upon eviction. Now, that scale was contingent upon two circumstances. In the first place, it related only to contracts made after the passing of the Act; and, secondly, it only applied to the case of tenants who were disturbed in their holdings by the act of their landlord. The question, therefore, arose what was the meaning of the disturbance of the tenant by the landlord. The construction he put upon the words was the common, ordinary, legal interpretation—namely, that they referred to an act done by the landlord, and that the words "disturbing a tenant" did not apply to a landlord resuming possession of his land at the termination of a lease. That was the ordinary and natural meaning of the words; and if the Committee applied the words of the paragraph they had passed to the case of leases, they would be straining the words, and putting a forced and unnatural construction upon them. Now, the effect of his Amendment was this—namely, that if the Committee adopted it, they would make it perfectly clear that the paragraph did not apply to leases, and they would limit its effect simply and solely to the cases clearly provided for by the words of the paragraph—that was, cases of continuing tenancies, which went on not only from year to year, but from generation to generation, and were only terminated by an act of the landlord disturbing the tenant. His Amendment would confine the paragraph they had passed to those tenancies, and would prevent the application of it to leases which did not come within the language, and which, in fact and in substance, rested upon different considerations. But, having thus limited the paragraph to its strict and natural meaning, the Amendment would leave it perfectly open to the Government and the Committee afterwards to legislate in what manner they pleased in respect to leases. All that the Amendment would do would be to render it necessary, when they legislated in respect to leases, that they should not strain the words so as to bring leases into a paragraph to which leases did not naturally belong. The Government said, in effect, that with regard to all leases for a period under 31 years, that the scale of compensation already adopted for disturbing a tenant should be made applicable to such leases. Well, it would be perfectly competent for the Government, if it thought fit, to adhere to that proposal, to continue it, and to abide by it; and there was nothing in his Amendment which would prevent them making such a proposal. The same was true in respect to the various proposals of which notice had been given by private Members for reducing the period from 31 years to 21 years, 14 years, or some point below that fixed by the Government, the hon. Member for South Norfolk (Mr. C. S. Read), for example, who thought the limit should be 14 years, and that upon the termination of leases for a term of not more than 14 years, the tenants should be entitled to compensation on an entry by the landlord; he would be at liberty to make a proposal to that effect if the Committee were to adopt the Amendment now under consideration. He himself (Mr. Headlam) had suggested that, in the case of leases for terms of seven years and under, where the rent was not more than £50, the landlord should, if he entered at the end of the term, pay compensation. It might be asked why he had not suggested that addition when he made his first proposal. His answer to that was clear and distinct; he had not thought it his duty or business to do so. He did not wish to place himself prominently before the House by suggesting various Amendments. He had simply proposed the Amendment now under consideration in the first paragraph, limiting the effect of that paragraph, and then leaving it for the Government, or the hon. and learned Member for Richmond (Sir Roundell Palmer), or others, to suggest, if they thought fit, in what precise form they should legislate in regard to leases. He had made his meaning quite clear from the first; and when the right hon. Gentleman at the head of the Government said that his proposed Amendment was contrary to the principle of the Bill, he had expressly declared that he did not say that leases were not to be considered and dealt with by the Bill, but what he did say was that, if they were to be considered and dealt with, it should be done by precise terms applicable to the cases. The report of what he had said would be found in the ordinary records, showing distinctly that, from the very first, he had made the same statement which he did at the present time. He maintained deliberately that there could not be a greater misrepresentation than to say his proposal was contrary to the principle of the Bill. He did not impute to the right hon. Gentleman the First Minister of the Crown any intention of misrepresenting the case—[Mr. GLADSTONE: Hear, hear!]—but he certainly regretted that, upon the first mention of the matter, the right hon. Gentleman should have gone out of his way to state that the Amendment was contrary to the principle of the Bill before he had an opportunity of considering the nature of the proposal. He could not, however, let off so easily his hon. and learned Friend (the Attorney General), because he must have understood the subject. The Attorney General had not answered one single argument which he (Mr. Headlam) had addressed to the Committee. He confined himself simply to a strong assertion that the Amendment was contrary to the principle of the Bill, and would, if passed, make the Bill perfectly useless. Now, it could not be truly said that the Amendment would affect the principle of the Bill. As the Bill stood at this moment, all tenants under lease were intended to be brought within the first paragraph of the clause, and then the Bill proceeded to take the tenants of certain leases out of the first paragraph by special exceptions. If his proposal were adopted, tenants under lease would not be brought within the first paragraph at all, but they would be legislated for substantially afterwards, by words adapted to their particular case. He repeated that there never was a greater misrepresentation than to say that his proposal was contrary to the principle of the Bill. The Attorney General then contended that there was not the slightest difference between a continuous tenancy determined by the act of the landlord and a lease which came to an end by effluxion of time, and that the words "disturbing a tenant" were equally applicable to the one case as to the other. There could be no more monstrous proposition. He asked the Committee to affirm—

> "That nothing in this Act contained shall exonerate a tenant under lease from the duty of giving up peaceable possession of the demised land at the end of the term."

Did the Government really intend to exonerate a tenant from this primary and elementary duty? If they did intend to exonerate him from a duty which the law now cast upon him, the Government would, perhaps, answer this further question — whether they had considered to what extent such a change in the law would shake the whole relations of landlord and tenant? He would also ask them whether the assertion of such a proposition was likely to make the landlord inclined to grant leases? If, however, the Government did not intend to assert the proposition that the Act should exonerate a tenant under lease from the duty of giving up peaceable possession of the demised land at the end of the term, then he asked what harm was there in putting upon record the words he had suggested? There were infinite advantages in these words, because they made it clear to the tenant that, although he might have a money claim upon his landlord at the end of his lease, he was not to be exonerated from the duty of giving up the land. In the present state of Ireland it was very desirable to put that fact clearly upon record. If the law on a subject of this kind were left doubtful, hopes of all kinds would be encouraged, and Parliament would give rise to interminable litigation and to incorrect ideas concerning the duties of landlord and tenant.

From all points of view, therefore, it was desirable to clear up uncertainty, so that there should be no misunderstanding upon this subject. If the Government really intended to exonerate the tenant from this duty, let them say so distinctly. If, on the other hand, they agreed with him that the tenant, although he might have a money claim on his landlord at the end of his lease, should not be exonerated from giving up peaceable possession, there was no reason why the Government should not consent to the words he had proposed. Take the other part of his Amendment—

> "Nor shall a landlord resuming possession at the termination of a lease be deemed to be disturbing a tenant within the meaning of this Act."

Did the Government really mean that a landlord so acting should be considered as disturbing a tenant? If that was their intention, they were straining language and violating principles of law quite unnecessarily, and with no object that could be conceived. It was not necessary, in order to give the tenant of certain leases some pecuniary compensation should his landlord enter upon the land at the end of a term, that the landlord so entering upon the land should be called a disturber. The instant they had got the landlord within the first paragraph by calling him a disturber they proceeded to take a very large proportion of leases out of the paragraph by way of exception. He did not see what good could be done by such a form of legislation. The Committee should state, in clear and precise language, under what leases landlords were to be liable to pay compensation to their tenants, and what was the amount of compensation they should pay—matters which, he contended, ought to be the subject of substantive legislation. The fact was that this Bill was intended to apply to circumstances of a very different nature, requiring in each case suitable language in calling for different considerations. There were four cases requiring to be separately considered—first, there was the case of continuous tenancies from year to year created before the passing of the Act; second, the case of continuous tenancies from year to year beginning after the passing of the Act; third, the case of leases made before the passing of the Act; and lastly, the case of leases to be made after the passing of the Act. Those cases should all be treated separately, and suitable words should be applied to each. The section, however, dealt with them all in such a manner that it was impossible to say what was the law with regard to any of them, for the clause left the whole matter in such a state of uncertainty that no Member, after having read it, could decide as to any particular case. His right hon. Friend the Chief Secretary for Ireland, who was conversant with the subject, might be able to state what was intended to be the law; but he appealed to both sides of the House as to whether any other hon. Member could do so. How was this intended to affect cases in which tenants had been in possession of land for 40 or 50 years before its passing? The Committee had been clearly told by the right hon. Gentleman at the head of the Government that the paragraph which had been passed applied only to prospective contracts; and yet, if tenants of this description were to be brought within the meaning of the first paragraph, the Bill would be retrospective in the highest degree. He must complain—and not without reason—of the manner in which he had been met with regard to this Amendment. He could positively state that when he placed his Notice upon the Paper he had not the slightest intention of obstructing the progress or altering the principle of the Bill. He thought, in fact, that he was doing a service in making clear words as to which there ought to be no doubt. He believed he was assisting the Government by suggesting that they should in their Bill insert a proviso to the effect that nothing contained in the Act should exonerate the tenant from the duty of giving up possession of the land when the term of his tenancy expired; but it had been suddenly discovered that that was contrary to the principle of the Bill. Before giving notice of this Amendment he had heard this language used by the right hon. Gentleman at the head of the Government when introducing the Bill—

> "We have toiled hard in the construction of this measure, but we are far from believing it to be perfect; and we invite, in unreserved good faith, the co-operation of all parties and of all Members of this House."—[3 *Hansard*, cxcix. 382.]

He believed those words when he heard them, and when he looked at the Bill, finding that it was far from being perfect, he accepted that invitation, and gave notice of an Amendment in good faith, without the slightest idea of interfering with the principle of the Bill, but rather with the view of facilitating the progress of the measure. His Amendment came on for discussion at a late hour of the Sitting; and, as he did not wish to embarrass the Government, he asked whether they would prefer to go on with unopposed clauses, offering to postpone his Motion until after Easter. That offer was declined, so that he had no alternative but to proceed. He would put it to the Committee whether, in bringing forward his Amendment on that occasion, he unduly trespassed on their time. He believed he was almost too short, and there was not the least ground for imputing to him that he had spoken against time. After the question had been debated for a short time, he rose to reply, for the express purpose of bringing the debate to an end, and having the matter settled before Easter. So far as he was personally concerned, it was not pleasant to have it hanging over through the whole of the Vacation. It was true that a noble Lord opposite (Lord Claud Hamilton) addressed the House with a power of eloquence that he listened to with admiration; but his effort was unnecessary, as several Members were desirous of joining in the discussion, which would have been continued even had the noble Lord resumed his seat at an earlier period. However, he felt now that it was better that the debate had been prolonged, so that the proposition might be fully considered. Having thus reminded the Committee of what really occurred, he would bring under their notice a statement of what took place, as made by an independent Member of the House, who said he was an eye-witness, and saw and heard everything which he described—

> "The policy of the Conservatives was to talk the Bill to death—in fact, to talk everything to death, including the Prime Minister. Most ably have they been seconded by the deserters from the Liberal ranks. Foremost among them is Mr. Headlam—a fact of which the electors of Newcastle-on-Tyne would do well to take note. There are some facts, too, connected with this case which are not patent in the newspaper reports which it is as well should be made public. This is what happened on the last day of the Land Bill debate—First of all it may be premised that Mr. Headlam was once in office under a Liberal Government, but is not in office now. He placed an Amendment on the Paper to the effect that the granting of a lease should be a bar to the operation of the Bill. If he succeeds in passing it the Bill will be at an end. He knows that perfectly well; he is not fool enough to be ignorant that the Bill will not be worth printing if it be thus emasculated. Not only did he propose that Amendment, but he prevented a Division being taken upon it. He therefore played the game of the Opposition, and he did it intentionally. It sounds hard to say so, but I sat and listened to his intolerably wearisome speech. All this while the hands of the clock were slowly moving round to the inevitable hour when the Chairman must leave the Chair. It was enough to make self-command a very difficult task —all the more difficult because a Liberal Member for one of our most Liberal constituencies did the deed. Mr. Cowen, than whom a more faithful ally of Mr. Gladstone does not exist, is Mr. Headlam's Colleague; surely the electors of Newcastle-on-Tyne are not going to let all Mr. Cowen does be more than neutralized by Mr. Headlam's treason?"

[*Cries of* "Name!"] The Gentleman by whom that account was written to *The Birmingham Daily Post* signed himself "An Independent M. P.," and was no doubt now present, as well as having been an eye-witness of the scene which he described. In lieu of his criticism on himself he would give the hon. Gentleman one piece of advice, and that was that he should not exercise his self-command on the present occasion, but should rise in his place and make the statement which he had communicated to a newspaper. It was better that he should do that than write to *The Birmingham Daily Post* a tissue of —— he knew not what to call them—of statements the accuracy of everyone of which he utterly and entirely denied. Nor could he altogether acquit his right hon. Friend at the head of the Government of something like misrepresentation. He found that on the day when the House adjourned for the Easter Recess, his right hon. Friend used the following words:—

> "After, I must say, one of the most thoroughly unprofitable discussions of five hours' duration to which it has ever been my fate to listen in this House, on Friday last we reported Progress on the Irish Land Bill."

[Mr. GLADSTONE dissented.] If his right hon. Friend denied the accuracy of the report which attributed to him those words, he should not, of course, press the matter any further. He would only say that when he sat down, after proposing his Amendment on the occasion in question, he entertained the strongest conviction that nearly every hon. Member present—at any rate every Member who had taken any part in the discussion of the Bill—was in favour of his proposal. He might be wrong; but that was his impression. He arrived at this conclusion from the amount of assent that he received. Taking into account, he might add, that the discussion lasted only an hour and three-quarters, he did not think that there was any necessity for making complaints of the unnecessary consumption of the time of that House. He could not understand, too, why his name should have been selected for animadversion out of some 300 Members who had given notice of Amendments on various clauses of the Bill. With respect to his particular Amendment, he could with truth assert that neither in that House, nor in the newspaper criticisms out of it, had he heard or seen anything in the nature of legitimate argument against it; but, in lieu of legitimate argument, he had heard violent assertions that it was against the principle of the Bill, and he had seen attempts made to impute to him in coarse and vulgar language mean motives, because he happened to sit on the Bench on which he did, instead of that immediately below him. Having said thus much in reference to the past, he should, while he was very unwilling to delay the Committee, add a few words with respect to the future. If it were the wish of the Committee, as it was certainly his, that all the separate cases dealt with in the clause before them should be provided for separately, and that the first paragraph should be limited to the cases to which it was made applicable by the words contained in it, he could not see why Her Majesty's Government should not assent to that view, and adopt his language. There was nothing in the adoption of that course which would prejudice them with regard to the afterparts of the Bill. So far as he was concerned, his desire was to go as far as possible to meet the objects of the Government. He had made a suggestion as to the length of the leases which should make the landlord liable to pay compensation, should he avail himself of his legal right, and enter at the end of the term; but, if the Government came forward with any proposal on the subject, which he thought fair and reasonable, he would be ready to withdraw his own in its favour. There was, he might add, the question of retrospective tenancies, which ought also to be dealt with by separate words, as well as the question of leases given after the passing of the Act. It was, in his opinion, of great consequence that these cases so entirely distinct as that of the landlord disturbing the tenant by an act of his own and a landlord entering into possession of his land on the natural expiration of a lease should not be mixed up together. He had endeavoured to do his part in putting the matter clearly before the Committee. He would simply observe, in conclusion, that his sincere desire was to assist the Government in passing the Bill. He had nothing to regret in the Amendments he had proposed, nor, so far as he recollected, in the manner in which he had introduced them; but if he had used any expression of which any hon. Member had reason to complain, it was unintentional on his part, and he should be ready to express his regret.

THE ATTORNEY GENERAL said, he, for one, had never for a moment thought of imputing anything like *mala fides* or factious conduct to his right hon. Friend; nor had he ever in the slightest degree questioned the purity of his motives, or accused him of having unduly occupied the time of the Committee. He fully admitted that the speech of his right hon. Friend on the occasion which had been referred to went very much to the point, and he was perfectly ready to acquit his right hon. Friend of the accusation, which he thought might fairly be adduced against the noble Lord opposite (Lord Claud Hamilton), who had taken a prominent part in a former debate, and who seemed to attack the common crimes of all rather than any one of them in particular. He should not, under those circumstances, have deemed it necessary to trespass on the attention of the Committee had not his right hon. Friend charged him with something like intentional misrepresentation, a charge which obliged him to say that he adhered to every syllable which he had uttered on the occasion in question, and that if his right hon. Friend had been misunderstood or misrepresented by him, the misunderstanding was one which was shared by a vast number of persons both within and out of the House, including a large portion of the Press. That misunderstanding, he might further observe, seemed to him to be referable to the fact that, not being gifted with a prophetic instinct, he was unaware that the right hon. Gentleman meant to propropose an Amendment of which he had given notice only the night before, and which would give an entirely different aspect to the whole question. [Mr. HEADLAM: No, no!] His right hon. Friend might cry "No, no!" as long as he liked. At all events, no notice whatever had been given of this proviso at the time he addressed the Committee, and therefore all that could be said against him was that he did not possess the gift of prophecy. The proviso put an entirely different interpretation on the right hon. Gentleman's Amendment, which he had taken in its natural sense, not anticipating that it would be neutralized by some other Amendment. He desired to remind the House for a moment how the case stood. The scheme of the clause was, that with respect to all future tenancies from year to year, and all leases for terms less than 31 years, the landlord should, on resuming possession, pay a certain sum which might be called damages for the eviction or disturbance of the tenant. As an Amendment to that his right hon. Friend proposed that nothing should exonerate a tenant holding under a lease from the duty of giving up peaceable possession. His right hon. Friend at great length endeavoured to prove that it was the duty of the tenant under a lease to give up possession at the end of the term, but that it was not his duty in the same sense if he held the land from year to year, and received a notice to quit. He maintained, however, that no such distinction could be drawn. Compare the two cases. In the one the landlord said to the tenant—"I let you this land for 12 months from this day," or for some longer period, at the expiration of which he was bound to go out. In the other case the landlord said—"I let you the land for 12 months, and for so much longer time as may elapse, before I give you a six months' notice to quit." Now, surely the tenant would be just as much bound to go out at the end of the time mentioned in the notice as he would be in the former case. Therefore he maintained now what he maintained on the previous occasion, that the distinction which his right hon. Friend sought to draw between giving up possession in one case and in the other was illusory, without foundation in law, and altogether idle. The assertion which he now made, and which he believed no lawyer would controvert, was designated by his right hon. Friend as the most monstrous proposition he had ever heard. His remarks on the former occasion were directed to the original Amendment of his hon. Friend. As the Bill stood the compensation for eviction was to apply to leases under 30 years, and also to tenancies from year to year; but his right hon. Friend proposed an Amendment which would have enabled a landlord, by converting his tenancies from year to year into tenancies for a year certain, to evade the provisions of the Bill. He reasserted his belief that that Amendment, if carried would be fatal to the principle of the 3rd clause. His right hon. Friend had, however, entirely shifted his ground since then, and now admitted not only that a tenant from year to year, but that also a tenant for a certain term—such as seven years, for instance—ought to receive damages on eviction. This question was raised by the Amendment of the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball), who proposed a 21 years' lease, and the proposal was one which the Committee might fairly discuss. The present discussion was premature as the whole subject might be much more fully debated on the Motion of the right hon. and learned Gentleman the Member for Dublin. In point of fact, his right hon. Friend (Mr. Headlam) had raised a premature—he would not say an irrelevant—discussion, and had entirely abandoned the position he assumed the other night. Not wishing to interfere with his right hon. Friend, who desired to retreat with honour, he would conclude by saying that the Government was quite disposed to accept his last proposition. The subject now reduced itself to a mere question of drafting. He trusted, therefore, that the discussion would now terminate, and that when the Committee came to the Amendment of the right hon. and learned Member for the University of Dublin, the question of a 21 years' lease, or of a 31 years' lease would be debated, for that was the real question at issue.

SIR FREDERICK W. HEYGATE said, he thought that the Committee had now arrived at an important crisis in the history of the Bill. During the Recess hon. Members had been blamed for having taken up so much time in discussing the principles of the Bill; but on the part of the Irish Members he wished to remark that they had only taken a very moderate period of time in discussing principles which were as new and as surprising to them as they were to Scotch and English Members. He confessed he thought at first that the Amendment of the right hon. Gentleman the Member for Newcastle was unanswerable; but on reconsidering the matter he was obliged to admit the force of the objection raised by the right hon. Gentleman the First Lord of the Treasury. If that Amendment were carried the Bill would fail to attain one of its principal objects. He was not saying whether he approved that object or not; but the Committee ought, at all events, to be much obliged to the right hon. Member for Newcastle for bringing the Amendment forward, and thus laying the question generally before the House of Commons and the country. It was not surprising that English and Scotch Members should take time to consider carefully the principles of this measure, because they feared they might be eventually extended to their own countries. ["No, no!"] That might, indeed, be denied; but he would remind the House that the same argument was used on the introduction of the Irish Church Bill last year. The right hon. Gentleman at the head of the Government then said the circumstances of Ireland were altogether different from those of England. He ventured, however, to point out at that time that no long period would elapse before a similar measure would be passed for England, and he believed no one would venture to assert that the Church question in England, Wales, and Scotland, stood now on the same footing it did then. He would only point out to the Committee that they should take time to consider this question. Speaking as an Irish Member, he must confess he was struck by the great and overpowering necessity that there should be as little delay as possible in passing this Bill. Instead of endeavouring to alter the principles of the Bill, hon. Members ought to try to make the Bill work in the best manner possible. The abolition of free contract between landlord and tenant appeared to be one great object aimed at by the Bill, and that object could not be attained if the Amendment of the right hon. Member for Newcastle were agreed to. The Government had taken great credit for making great concessions to those who were interested in the ownership of landed property. Those concessions were three in number. First, the compensation to be granted to the tenant was limited to £250; secondly, the period for which the abolition of free contract was to last was limited to 20 years; and, thirdly, in the case of farms over £50 valuation, there was to be entire freedom of contract. These were not, in his opinion, concessions at all. The first amounted to nothing, because of the vast preponderance of small holdings in Ireland, and, as to the second, he must be a sanguine man, indeed, who could imagine that at the end of 20 years it would be possible to revert to the present state of things. The restrictions proposed by the Government of a 31 years' lease, by the right hon. and learned Member for Dublin University (Dr. Ball) of a 21 years' lease, and by the hon. and learned Member for Richmond (Sir Roundell Palmer) of a 14 years' lease, would, he thought, be useless. The bargain between landlord and tenant varied in almost every case, and it was impossible to lay down any rule to meet the innumerable cases in which the two parties might be able of themselves to judge what was conducive to the respective interests. The intention of the Government was to set up in the future a third party, who was to be the guardian of the tenant. If Irish landlords and tenants could not be trusted to contract together, and really did not know what was for their own benefit, and if the House of Commons was about to lay down principles for the management of the property, it appeared to him indispensable that there should be some persons to whom they could apply, and whose sanction might be asked to any proceeding advantageous to both parties. It might be argued that the Government, in this Bill, had been anxious to avoid anything like a valuation of rents; but there were a hundred different points connected with property in land and its management that it was impossible to settle without having regard to the rent which was paid. With regard to a 31 years' lease, he ventured to ask whether any person had seriously thought of the real nature of such a document. A 31 years' lease represented the life of a man, and if the only way out of a contract was the granting of such a lease, that would put an end to all improvements during that term. He disclaimed, for himself and his Friends, the notion that there had been any intention of raising unfair obstacles to the progress of this measure; but it was not to be supposed that Irishmen could abstain from discussing a measure fraught with such grave consequences to their future, dealing freely as it did with principles that had hitherto been regarded as anxious of truth. For himself, he could say that he did not intend to utter a word further upon the measure save by way of suggesting any improvement that might occur to him. He should accept what he regarded as the principles of the Bill, trusting that in the time to come it might be productive of a good understanding between landlords and tenants, a matter more important to all classes of the country than any pecuniary gain or loss which might accrue under the provisions of the measure.

Mr. CORRANCE said, he wished to detain the Committee for a few moments, in the hope of preventing a Division. He had hitherto supported the Amendment of the right hon. Member (Mr. Headlam); but it appeared in the course of the argument of the hon. and learned Member for Richmond (Sir Roundell Palmer) that there was really a very important objection to it, and one that had not been foreseen by the Mover of the Amendment. This was shown by the fact that he now brought up a new proviso, which to a certain extent met the objection. As this question impinged upon Clause 10, which related to leasing, he hoped that the right hon. Gentleman would postpone the consideration of it, and bring it forward in another form and upon a more convenient occasion.

Amendment *negatived.*

Lord ROBERT MONTAGU moved after "land," in line 35, to insert—

> "Provided that where the landlord has purhased from the tenant the Ulster tenant-right custom, or customs other than the tenant-right custom to which his holding is subject, such holding shall thenceforth cease to be subject to compensation under this section."

He said that the Committee would observe that the 3rd clause, which granted compensation for the disturbance of occupancy, applied to every farm where tenant-right or the other customs were not in force. The converse — namely, payment for tenant as well as a payment for disturbance of occupancy—would be unjust, because tenant-right consisted partly in a payment for goodwill or occupancy; and if the 3rd clause were to apply to such farms, the landlord would have to pay for the occupancy twice over. Yet if the landlord bought up the tenant-right, so that the farm, in accordance with Clause 1, became no longer subject to it, there also the present clause would apply. It was, therefore, correct to assert that the payment for disturbance of occupancy, or else the payment for tenant-right, applied to the whole of Ireland. In other words, the occupancy or goodwill was everywhere something belonging to the tenant, which had to be paid for by the landlord. The tenants were thus declared to be part owners of the soil. It might be said that this was the foreign *métayer* system under another form. If any one desired to learn more on that subject he might read a chapter upon it in Mr. J. S. Mill's *Political Economy*. Yet it was not exactly the *métayer* system. It would more correct to say that it was in accordance with the Irish idea that a holding in land was a subject of tenure, and not, as the English regarded it, a subject of contract. For in England the land was regarded as belonging absolutely to the landlord. This distinction seemed to him the only just or reasonable ground for applying the Bill to Ireland only, and not to England also. England was the only country in the world where the land was regarded as subject to contract. In all foreign countries to this day, and in England until lately, land was the subject of tenure. It was only in modern times, since 1688 he believed he might say, that the modern English view really obtained. In feudal times the landlord held the land by a tenure of service under the *trinoda necessitas*—or three-fold obligation to maintain the bridges, to maintain the highways, and to supply military defences. The tenant also held under his lord by a similar tenure of service. The land, therefore, belonged absolutely to neither; but to both, on condition of service done to the State, or service for the good of all. Let them consider foreign countries. We had carried our peculiar modern notions to India, where land had been held by tenure, for ages past. In India we persisted in regarding the Zemindars as landlords and the ryots as occupiers; and when disturbances arose in consequence, an Act was passed in the same modern English spirit, and the disturbances became worse. The origin of the Maori wars in New Zealand was this—the English persisted in ignoring tribal rights, and in supposing that land belonged absolutely to the apparent owner, and that he might sell it. He therefore did not deny the difference between tenure or contract, which he thought was the only principle on which they should deal with the Irish land question. Now this was his objection to the clause—when a landlord had bought up the tenure, with the consent of the occupier, it was fair that the land should afterwards be the subject of contract, and not of tenure. It was very unfair that Lord Dufferin, for example, should find that after having expended many thousands of pounds in extinguishing the tenant-right he should immediately become liable to payments under Clause 3. If such a proceeding was according to law, and agreed to by the tenant, it seemed to him that the land should then belong absolutely to the landlord, and be thereafter subject to contract. On those grounds he moved his Amendment.

Mr. CHICHESTER FORTESCUE said, he was glad to hear from the noble Lord admissions which showed that he was well aware that the conditions under which Irish tenants from year to year held their farms in the greater part of Ireland were very different from those under which English tenants, nominally holding under similar terms, really held their land. He trusted that he should be able to convince the noble Lord in a very few words that, under this settlement, the tenants with whom his Amendment proposed to deal in the North of Ireland would really in the case supposed be in precisely the came condition as the ordinary tenants in any other Province in Ireland. What the noble Lord desired to enact was that, where the tenant of a holding in Ulster had entered upon his farm without making any payment under the Ulster custom, he should not be entitled to take any benefit under the provisions of Clause 3 of the Bill. He, however, should contend that the tenant entering upon a farm in Ulster, without making any payment under the Ulster custom, stood in precisely the same position as a tenant entering into possession of land without payment in any other part of Ireland. The question whether any payment had been made by the tenant on entering upon his farm would be taken into consideration by the Court in determining the claims of tenants holding, not only in Ulster, but in other parts of Ireland, and this was provided for in Clause 14; but he put it to the noble Lord whether, where the Ulster tenant had come into possession of his farm under ordinary circumstances, there was any reason why, merely because he held a farm in Ulster, he should be differently dealt with in this Bill from the tenant holding under the same conditions in other parts of Ireland.

Lord ROBERT MONTAGU explained that his Amendment relating to tenancies created after the passing of the Act did not refer to tenancies from year to year; because he understood that the Prime Minister had declared that "tenancies created after the passing of the Act" would not mean tenancies from year to year, but tenancies under lease.

Mr. GLADSTONE said, that the noble Lord had entirely misunderstood him upon that point.

Lord ROBERT MONTAGU said, he had drawn up his Amendment under the impression that such was the meaning of the right hon. Gentleman. His Amendment, however, merely proposed that, where the land had passed absolutely into the hands of the landlord, he should be at liberty to let it under contract, instead of under tenure.

Mr. GOLDNEY said, he thought that when the noble Lord came to re-consider his Amendment he would not press it, because the question it raised had been already disposed of when Clause 1 was under discussion. When once the landlord had purchased the tenant's right the land would cease to be subject to the Ulster custom.

Amendment *negatived.*

Sir FREDERICK W. HEYGATE moved, in page 3, line 35, after "land," to insert—

> "Nothing in this Act shall prevent any landlord and tenant contracting together by lease on such terms as they may agree upon, provided the assent of the Court to such contract is first obtained."

The hon. Baronet said, there were many cases in which it would be desirable that the landlord and tenant should have power to contract, and if such powers were not given there would be instances in which land, in consequence, would remain unlet.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he hoped the hon. Baronet, who had met the Bill very fairly throughout, and did not wish to impede its progress, would not press his Amendment, because it appeared to him to be inconsistent with the main scope of the measure. There appeared to be a great deal of misconception in the minds of many hon. Members with regard to this clause, which, after all, was not very difficult of comprehension, when taken in conjunction with the Definition Clauses at the end of the Bill. The first part of the clause related to tenancies created after the passing of the Act; while the second part related to tenancies from year to year, existing at the time of the passing of the Act, and a little further on it contained the proviso—

> "Any contract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section, shall, so far as relates to such claim, be void."

That proviso had been inserted by the Government because, after due consideration, they recognized the fact that in the present state of Irish society the Irish tenant was not in a position to make a free contract. An Amendment which would be proposed by the Government in Clause 11 would provide for freedom of contract in cases where the valuation was over £50. But in the cases of small farms the tenants would require the protection which the Bill as it now stood would afford them. It had been urged, as an objection against the Bill, that there was too much "Court" in it. He admitted that appealing to a Court in matters of this kind was an evil; but it was a necessary one to the extent the Bill carried it. To have further interference by a Court was another thing. In his opinion there was no occasion for it. Another reason why the Amendment of the hon. Baronet should not be adopted was that if a landlord could get a small tenant-farmer to agree to a bargain outside the Court, the same moral or immoral influence which had effected that result would induce the tenant to express his approval of it inside the Court. The Government appreciated the spirit in which the hon. Baronet had met this Bill, and he trusted that the Amendment would be withdrawn.

SIR FREDERICK W. HEYGATE said, there was such an inequality in Irish valuation that a £50 valuation in one part of Ireland might be equivalent to a valuation of £80 in another part of that country. He apprehended the clause would prevent landlords from making improvements, because they could not know what claims would be made against them.

MR. BRUEN observed that, unless the landlord and tenant agreed to the lease, they would not come into Court; and unless the lease was a good one, the Court need not ratify it.

MR. GLADSTONE asked whether the Court would remodel a lease to which the landlord and tenant had agreed.

SIR FREDERICK W. HEYGATE proposed that the Court should have power to refuse a ratification of the lease.

MR. GLADSTONE said, he did not think it would be possible for the Court to say that a lease was an improper one which the two parties had just agreed to. He was convinced of the perfect good faith of the hon. Baronet; but he did not think his Amendment would be an improvement. As to the inequalities of valuation alluded to by the hon. Baronet, a measure to remove those inequalities must be one of the very first adopted after the Bill became law.

MR. CORRANCE said, if his hon. Friend omitted "provided the consent of the Court is first obtained," the words that remained would be wholly unnecessary. He recommended the withdrawal of the Amendment.

MR. G. B. GREGORY said, he thought it desirable to enable the Court to act in the case of a contract made for the benefit of the tenant, acting upon the same principle as that recognized in the case of a married woman, where the Court enabled her to enter into a contract, provided it was found to be one for her benefit.

MR. CHICHESTER FORTESCUE objected to the Amendment, especially with the omission of the words respecting the consent of the Court, inasmuch as it would in effect renew the proposition made by the right hon. Gentleman for Newcastle (Mr. Headlam), and which the Committee had just negatived.

Dr. BALL said, he thought it would be well not to press the Amendment, because the necessity for some such provision might be altogether taken away or much diminished by other Amendments of which Notice had been given.

Amendment, by leave, *withdrawn.*

Mr. KAVANAGH moved, in line 39, to leave out the words "arrears of," his object being to include the whole of the rent that might be due in regard to each particular holding in the provisions of the clause.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, rent, unlike daily accruing interest, was not due until the gale day, and an hour after it was due it was arrears; so that nothing would be gained, on the one hand, by striking out the words, as, of course, nothing would be gained on the other by retaining them.

Dr. BALL confessed he was in favour of the addition proposed. In popular language it was customary to apply the words arrears of rent to all rent that was due prior to the last gale.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, as it would come to the same thing whether the words were retained or struck out, he would assent to the Amendment.

Amendment *agreed to.*

Words *struck out.*

Mr. W. H. GREGORY moved, in page 3, line 39, after "arrears of rent," to insert "or otherwise." His object was to cover advances such as might be made, say for the purchase of slates for building purposes.

Mr. CHICHESTER FORTESCUE objected that the Amendment would open a very wide door indeed.

Mr. BRUEN said, the effect of rejecting it would be to stop advances by making them irrecoverable.

Amendment, by leave, *withdrawn.*

Mr. KAVANAGH moved, in page 3, line 39, after "rent," insert "and taxes;" his object being to include any taxes that might be due upon the holding, with the amount of rent unpaid, in considering the question of deductions from the compensation claimed.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, his objection to the Amendment was that it would open the door to much litigation. Questions would arise as to what was the exact meaning of the words. How were taxes due to the landlord in ordinary course? The object which seemed to be aimed at would have to be attained by some other Amendment. The meaning, no doubt, was, that when the tenant quitted the holding there should be deducted from the compensation paid to him not only the rent accrued due, but any taxes which were due on the land, and which he would have had to pay had he remained in possession. That, however, would not be accomplished by the present Amendment.

Dr. BALL said, that what the hon. Member for Carlow aimed at appeared to be just in itself; but, owing to the construction of the proviso, the necessary Amendment could not be moved at this stage. With the permission of the hon. Member he would move an Amendment at a future stage.

Amendment, by leave, *withdrawn.*

Mr. PELL moved an Amendment to include deterioration of holding arising from "a departure from a due course of husbandry," which the words of the proviso were not sufficient to cover. As we were about to create in Ireland a compound instrument—a Court which was to have the supreme control of the land, it would be better to lay down the limits within which it was to move; and if a tenant, who pursued an unusual practice, and depreciated the value of the soil by severe cropping, went into Court with his landlord, it should be the duty of the Court to consider the condition in which the land was left, and, if it thought fit, to make a deduction from the compensation on that account.

Mr. CHICHESTER FORTESCUE said, the words were not only not required, but, if adopted, would go too far. This kind of claim stood on a different footing to the deductions already sanctioned. This deduction would be a mere matter of estimate by the Court, which ought not to have so loose a discretion. The Amendment seemed to be founded upon certain ideas of English practice, which were not applicable to Ireland. The Bill provided for any such deterioration arising from the non-observance of any express or implied contract, and that the Government considered was enough to be done.

Sir ROUNDELL PALMER said, not only was the Amendment unnecessary, but, if adopted, it would work absolute injustice. In ascertaining what was payable to the tenant the nature and condition of his farm would be properly considered, and, if it was not left in proper condition, it must be assumed that a suitable deduction would be made from the amount of his claim. That having been done, nothing would be more unjust than to make the deduction a second time.

Amendment *negatived.*

Mr. M'CARTHY DOWNING proposed an Amendment to omit the words "or implied," in line 41 of the clause. According to the words as they stood in the Bill, the landlord might make a deduction from the money payable to the tenant in respect of deterioration of the holding from non-observance of any express or implied covenant. He believed that the retention of the word "implied" would give rise to a great deal of litigation, because it would be difficult to say what an implied covenant was. If the Committee agreed to his Amendment, he would propose to add to the end of the clause what was defined by 23 & 24 *Vict.* c. 154, to be an implied contract.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) trusted the Amendment would not be pressed. There were two kinds of implied covenants. One, implied by common law, was that the land should be cultivated in due course of husbandry, according to the custom of the country; and the other kind of implied covenants was created by the statute known as Mr. Cardwell's Act, so that there was no difficulty in understanding the meaning of implied covenants.

Mr. G. B. GREGORY said, the omission of the words would not confer much benefit upon the tenants. Implied covenants was a term well understood, and, without its retention in the Bill, tenants would be harassed by the insertion in their leases of vexatious covenants.

Mr. PELL asked if the Act referred to applied to written contracts only.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse): Yes.

Mr. PELL said, that being so, it showed how necessary it was to retain the words. He hoped the Amendment would be withdrawn. He ventured to think that this Amendment went as far in the wrong direction as his (Mr. Pell's) Amendment went in the right direction.

Dr. BALL opposed the Amendment. It was a common practice in Ireland to evade the stamp duty or dispense with the assistance of an attorney, by the landlord and tenant entering into an equitable agreement, which was drawn up on a sheet of letter paper, and which a Court of Equity would enforce. The adoption of the Amendment would put an end to that course of proceeding.

Mr. M'MAHON supported the Amendment. If implied covenants were meant to be the same as those in the Act of 1860 there should be no objection to their being embodied in the clause.

Mr. BOURKE said, implied covenants were well understood. They were all distinctly laid down in every legal book on landlord and tenant.

Amendment *negatived.*

Dr. BALL proposed, after the word "landlord," in line 42, to insert the words "and also any taxes payable by the tenant due in respect of the holding." The Amendment was merely verbal, and was instead of that given Notice of by the hon. Member for Carlow (Mr. Kavanagh).

Mr. SYNAN said, he hoped the Government would not accede to this Amendment, now hastily proposed to the Committee. The Amendment on the Paper was one by the hon. Member for Carlow; but this was altogether a new Amendment, and in the form in which it stood would work an injustice. The poor rate was payable by the tenant; but he was entitled to a deduction from his rent to the extent of one-half. The grand jury cess, there was every reason to believe, would soon be placed on the same footing; but being now payable by the tenant, who was entitled to no deduction in respect of that payment, the entire tax would be deducted from the tenant's compensation.

Mr. M'CARTHY DOWNING opposed the clause on account of the great facility it would afford for the commission of fraud.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he had suggested an Amendment on this Amendment, to which his right hon. and learned Friend had acceded. He proposed that the words should run as follows:—

> "Also any taxes due by the tenant in respect of the holding, and not recoverable by him from the landlord."

Words, as amended, *inserted.*

MR. G. B. GREGORY moved, in page 4, line 1, after "Act" insert "assigns."

MR. CHICHESTER FORTESCUE said, the Government could not consent to the proposal, as a mere assignment stood on a very different footing from subdividing or subletting, against which, as a matter of policy, the penalty of forfeiture of the benefits arising under the clause was properly directed. Assignment should be regarded with favour rather than with disfavour; for, out of 10 transactions of this character nine substituted a solvent tenant for an insolvent one. The Amendment was, therefore, quite alien to the clause itself.

MR. BRUEN said, that in the portion of the country with which he was best acquainted, assignments of holdings were contrary to the rule of the estate. If, as the right hon. Gentleman opposite intimated, the object of the clause was to encourage transfers, the clause would have the effect of extending something like the custom of tenant-right to other parts of the country, to the prejudice of good agriculture.

MR. SHERLOCK held that the adoption of the Amendment would introduce a novel principle into the tenure of land in Ireland, and one advantageous neither to landlords nor tenants.

MR. G. B. GREGORY said, that in England nothing was more common than to insert provisions against unlimited assignments, and it would be utterly intolerable if landlords were to have assignees of the tenants thrust upon them against their will.

MR. BOURKE pointed out that one consequence of an unlimited power of assignment would be that an assignee might be brought in from any part of Ireland, even from one of the most disturbed districts. Persons, for instance, such as those who had fired at Mr. Radcliffe the other day—persons who were perfectly well known all over the district, and, he was sorry to say, persons who, not improbably, were very popular —might be thrust upon a landlord in the county Meath as the assignees of outgoing tenants. Surely that was an evil of a possible and a very practical nature, which the Government ought to guard against.

SIR ROUNDELL PALMER said, he thought the hon. and learned Gentleman opposite (Mr. Gregory) had jumped to an erroneous conclusion, attributable probably to a hasty reading of the clause. The clause did not say that a tenant, who by his contract, was restrained from assigning, should be at liberty to do so, or that the assignee, under such circumstances should be forced upon the landlord. All it did was to leave the matter to the free contract of the parties, and he certainly was not disposed to place any further restrictions upon this liberty of free contract than had been already done by the Government.

DR. BALL asked for an explanation of the meaning of the word "forbidden," as used in the clause. Did it mean that subletting or subdividing must be forbidden in the original agreement, or, as he should read it, that the landlord might at any time step forward for that purpose?

MR. BRUEN desired to explain that what he meant was, that in the case of yearly tenancy a tenant should not, without the consent of his landlord, have the right to assign more than the 12 or the six months' right which he had in his tenancy.

Amendment *negatived.*

MR. W. H. GREGORY said, he had an Amendment to move which would make the clause more in conformity with the intention of its framers. He proposed, in page 4, line 2, after the word "sub-divides" to add the words "such holding, or sub-lets the same or any part thereof." He drew a distinction between subdividing and subletting. The clause spoke of subletting the whole holding, but not a portion of the holding.

MR. DISRAELI said, that he also had an Amendment against subdividing and subletting, and the deteriorating consequences which were the result of subletting the land. The clause was originally qualified by the provision that a tenant should be able to let not more than half-an-acre of land to an agricultural labourer in connection with his cottage. It had appeared to him that the effect of this qualification would be to destroy the original purpose of the clause, and, therefore, on first going into Committee he gave notice of his intention to move the omission of this qualification. The Chief Secretary for Ireland had since then met his views to a considerable extent by agreeing to the omission of this qualification, and suggesting that it should be limited in this sense, that no land should be let for the erection of cottages unless an amount of 25 acres were apportioned, thus establishing a certain relation between the cottages and the soil. This certainly, to a very great degree, removed the objection which he had entertained to the original qualification. Still there was a vagueness in the words of the Chief Secretary. If the 25 acres were fair, good land, it might be a good qualification; but it might be land of a different character — marshy, boggy, unreclaimed land.

Mr. SYNAN rose to Order. There were three Amendments before that of the right hon. Gentleman.

The CHAIRMAN said, that the Amendment moved by the hon. Member for Galway raised the question of subdividing land, and the right hon. Gentleman was consequently in Order.

Mr. DISRAELI said, that in consequence of the Amendment of the hon. Member for Galway it was necessary that he should recall his original Amendment, which the later suggestion of the Government had met to a considerable degree. He should have preferred his own Amendment; but he could not help feeling that, after the suggestion made on the part of the Government, the Committee might now arrive at a satisfactory conclusion on the matter. When the Government were disposed to meet the Committee fairly, he, remembering the responsibility under which they acted, was willing to meet them half-way, although he might not obtain all he wanted.

Amendment *agreed to.*

Words *added.*

Sir JOHN GRAY said, that no provision could be too strong to prevent subletting and the subdivision of holdings. Such practices were a great evil to the country and a great detriment to the landlord. He did not wish, therefore, to interfere with the clause prohibiting subdivisions, except as it would affect the letting of a portion of the land on con-acre. The practice of con-acre used to be injurious and mischievous to the land; but the modern practice, on the contrary, was beneficial. Men who were not able to provide manure for the whole of a farm let a small portion of land, on condition that a labourer who had more manure than he wanted for his garden manured it. In return for doing so he was allowed to take a crop from it. Many of the large farmers were able to buy sufficient manure for their land; but it was often a great advantage to the smaller farmers to have the land well manured for them, and to have the manure brought to the land to enrich it. He had spoken to many farmers, who said it would be very injurious to prevent this con-acre. It was of great advantage to the labourers as well as the farmers. Indeed, many of the agricultural labourers would be driven into crime if this clause were passed as it stood, and if con-acre were put an end to. He begged to move in page 4, line 2, leave out from "without" to "con-acre," in line 3, inclusive.

Mr. CHICHESTER FORTESCUE said, he had just now resisted a Motion from the other side to include the subject of assignment among the forfeitures in this clause, on the ground that the extreme penalty of forfeiture was far too heavy for the questionable evil that might arise from assignment. Upon the same ground the Government had come to the conclusion, upon full consideration, that the penalty of forfeiture was not one that ought to be applied to letting in con-acre. Though the system of letting in con-acre was open to abuse, yet it was very often found to be useful, and when entered into *boná fide* was no more subletting in fact than it was in law. It was undoubtedly the case that in the neighbourhood of the Irish towns a great deal of the agrarian crime we had to deplore during the last few months had been connected with the impossibility of labouring men and others obtaining land in con-acre; and if Parliament by their present legislation were to impose a severe penalty upon the system when it was fair and *boná fide*, they would be acting in a manner opposed to the wants and feelings of the Irish people.

Colonel BARTTELOT said, it seemed very extraordinary that the Government, having considered this Bill most carefully, and having placed con-acre, which was admitted by most people to be mischievous, among the subjects of forfeiture in the Bill, now, because they wished to regain the support of their Friends, which to a certain extent they had lost, proposed that con-acre should be struck out of the Bill. He would venture to say that, taken as a whole, con-acre was a very mischievous system. ["No, no!"] Hon. Gentlemen said "No;" but he knew by experience, and he had been at the trouble to inquire into the practice, that it was a mischievous system. If this Bill was a just and righteous measure there was no reason why con-acre should continue. A man who let by con-acre got, perhaps, £10, or a great deal more, per acre. ["No!"] He affirmed that it was so in many instances, and sometimes even double £10. That money did not go into the landlord's pocket, but into the pocket of the tenant, and therefore it was the interest of the man who took the land to get as much out of it as he could. But now they were legislating against those landlords who were anxious to let their lands for a term of years to larger tenants; and if Parliament allowed this con-acre system to remain it would enable persons to let grass lands on con-acre, and that the hon. Member for Kilkenny himself admitted to be a great nuisance. He was exceedingly sorry that the right hon. Gentleman had given way on this point.

Mr. W. H. GREGORY said, the observations made by his hon. and gallant Friend were partly true, but his conclusion was incorrect. Con-acre was sometimes mischievous, but frequently it was quite harmless, and, therefore, to apply so stringent a penalty as that proposed in this clause would be a very serious matter. He was not likely to advocate anything which would interfere with the prosperity of the country or his own property; but, in his opinion, they might omit altogether this stringent provision. As the Bill now stood they would forbid any tenant from giving by any possibility any land whatsoever to the labourer. In fact, they would simply and solely starve out every labourer in Ireland, except the few who had some land of their own. In the neighbourhood of the towns the labourers who dwelt there, many of whom had been evicted from estates in the neighbourhood, kept a pig, and collected manure on the roads, with which they manured the land they took in con-acre for a potato crop, and any person who had experience of the petty sessions in Ireland must know something about the quarrels which often arose, especially among the fair sex, about the manure heaps. The land was in this way greatly enriched, and the farmer got the benefit of it next year in the shape of white crops. It would be most dangerous to retain the penalty. He was, therefore, glad the Government had acceded to withdraw this clause from the Bill.

Lord JOHN MANNERS said, that the clause as it stood would by no means put an end to con-acre altogether. The hon. Gentleman who had last spoken had admitted that the system was in many instances bad, though sometimes it was good. But all that the clause said was that if the tenant, against the prohibition of his landlord, proceeded to let by con-acre, he should not obtain the compensation to which he would otherwise be entitled. But the tenant might let by con-acre where there was no prohibition, and where the landlord thought it might safely be done, and, therefore, the clause was not open to the objection that the hon. Gentleman had made to it. The security which the clause contained was very reasonable and just, and, therefore, he regretted extremely that the Chief Secretary, in order to meet the divergent views of hon. Members from Ireland, had consented to expunge a provision which no doubt was inserted originally after due consideration by the Government.

Mr. O'REILLY supported the Amendment on the ground that if the clause were retained in its present shape it would furnish bad landlords in Ireland with a great temptation to endorse on every agreement or lease a general prohibition of con-acre, not with the view of absolutely putting an end to the system, but to enable them to deprive their tenants of the right of compensation under the Bill. Con-acre was injurious as far as it was applied to corn; but that could be prevented, as it was prevented now, by penalties in the lease. He did not consider himself a bad farmer; but he had again and again given land to the labourers for a year for nothing that they might raise a green crop upon it, and the land was always greatly enriched by the manure. He rejoiced sincerely that the Government had assented to the Amendment.

Mr. BRUEN believed the quantity of land let under con-acre in Ireland for purposes that were beneficial to the land bore a very small proportion to that so let for purposes that were injurious. The landlord would not be so foolish as to prohibit the system where it was beneficial to the land; but he ought to have power to forbid it where it was prejudicial. They had been told by the Chief Secretary for Ireland that many outrages had been committed in the neighbourhood in consequence of the people wanting to get land upon con-acre, and that that was the reason why he withdrew a portion of the Bill which he had previously introduced. He could not imagine a greater encouragement to increased outrages than was thus given by a Minister. He could confirm the statement made by his hon. and gallant Friend (Colonel Barttelot) that land let in con-acre often brought £10 an acre to the tenant. Where good grass land was broken up—as it sometimes was—for the purpose, it would bring double that sum, and nothing could be worse than to have land broken up in that way.

Mr. SYNAN said, the system of con-acre was very general and perfectly legal in Ireland, and the custom was not held to be a violation of the covenant against subletting, nor of any other covenant whatever. The Devon Commission, in their Report, stated that, although much had been said against the system of con-acre, some practice of that nature was essential to the comfort, and almost to the existence of the Irish peasant. Why, then, he asked, were English Members to set up their knowledge of Irish con-acre, which often amounted to no knowledge at all, against that solemn verdict of the Devon Commission?

Lord CLAUD HAMILTON said, that when Parliament was legislating on matters connected with Irish agriculture, and introducing a term of which there was no definition, it would be most unwise to pass the measure without letting the Committee understand what the term "con-acre" meant, and to what it might lead. It had been admitted by the hon. Member for Kilkenny (Sir John Gray), and the Chief Secretary for Ireland, that practices were carried on in Ireland, under the name of con-acre, which were mischievous and ought to be checked. Why, then, should they so legislate as to encourage what was acknowledged to be so injurious. If they could permit con-acre only in the neighbourhood of towns where there was an accumulation of manure, he should be happy to see it done; but they ought not to open the door to the extension of the mischievous system in rural districts, under which men took land for speculative purposes, often leading to their own ruin.

Mr. CARNEGIE interposed in that discussion with some diffidence; but wished to say that in Scotland it was a very common thing in the neighbourhood of towns for farmers, who were prohibited by their leases from subletting, to give small parts of their land to the people in the towns to grow their crops upon. Without expressing any very decided opinion on the matter, he would suggest whether it might not be possible, on the Report, to frame such a definition as would make the custom perfectly legal in regard to green crops, such as potatoes and turnips, and illegal as regarded corn crops.

Mr. GORDON said, he thought it would be wrong to legalize a system of con-acre, which was proper and beneficial in some instances, but one which was likely to be productive of injurious results if adopted generally. He would suggest, in case this Amendment should not be carried, the insertion of the following words:—"or lets the same or any part thereof in con-acre, except for green crops."

Sir JOHN HANMER said, the word "con-acre" was not exclusively an Irish word. It simply meant that a farmer, for the sake of doing a friendly act, allowed his labourer to get some manure together, and plant potatoes, or any other crop which he might please. It did not amount to a subletting, and if there was anything injurious to the land, that was the landlord's affair.

Sir ROUNDELL PALMER said, he thought the Government were right in the course they had taken, and it was a mistake to suppose that con-acre would thereby be legalized. The case seemed to be on all fours with that of assignments, which were sometimes prohibited, and sometimes allowed by the terms of the lease. By omitting all mention of con-acre from the Bill, they would not make that legal which was otherwise, but would leave it to free contract, upon which he was not disposed to put fetters. It was no part of the objects of this Bill to regulate the course of agriculture in Ireland; and if the tenant should deteriorate the land by improper con-acring, that would be taken into account in estimating the value of any claims preferred.

Mr. M'CARTHY DOWNING said, he wished to thank the Government for their concession on this, which was one of the most important points in the Bill. There was a strong feeling throughout the country in favour of the change now made in the Bill, for con-acre was a vast benefit not only to the labourer, but the farmer.

Colonel BARTTELOT said, the hon. Member for Limerick (Mr. Synan) had denied the accuracy of his reference to the Devon Commission on this point. Now, the Commissioners expressly stated that the price of con-acre varied much in different districts, being usually about £10 a year where the land and manure were good, and sometimes as much as £12, £14, or £17 per Irish acre, while on the poorer qualities of land it was £6 an acre, or even less.

Mr. SYNAN said, that if the hon. and gallant Gentleman went into the evidence on which this Report was based, he would find that, in these cases, the manure was supplied by the owner of the land.

Mr. M'MAHON said, it appeared, from the wording of the Landlord and Tenant Bill of 1852, that the framers of that Bill were entirely in favour of the con-acre system.

Dr. BALL said, the Government proposed that the leases should be for 31 years, and he had given Notice of an Amendment to reduce the term to 21 years; but whatever the limit might be, there would be a term of lease. As to the existing tenancies, the 3rd section did not include leases at all. It was confined to tenancies from year to year, and the operation of the clause, excepting a particular term of years, would be that practically in Ireland there would be no leases that would come under the clause. He was not disposed to give the power of con-acring to tenants from year to year, because it would be exerted to ruin the land at the particular moment when the tenant was about to abandon it. The original framers of the Bill appeared to be of that opinion. The con-acring which, in his experience, had always given rise to disputes, was when tenants handed over their land to other persons who had money to till it, and abandoned the occupation to those who were put in possession. He thought that this clause, as originally framed, was framed by some person who was well acquainted with Ireland and with its habits and customs.

Mr. SAMUELSON said, that for every instance in which con-acring was prejudicial, 10, 20, or even 100 cases could be found in which it was beneficial. He entirely agreed with the Amendment. If they did not agree to it, he thought that a spirit of dissatisfaction would be engendered among the agricultural labourers, and there would be perpetual agitation.

Amendment *agreed to.*

Sir JOHN OGILVY moved to insert in Clause 3, page 4, line 2, after "consent," the words "in writing," and explained that his object was to remove all ambiguity in the dealings between landlords and tenants.

Amendment *agreed to.*

Mr. KAVANAGH moved the omission of these words—

> "With this qualification, that the letting by a tenant of a portion of land to agricultural labourers *bonâ fide* required for the cultivation of the holding for cottages or gardens, not exceeding half-an-acre in each case, shall not be deemed to be a sub-division or sub-letting of land for the purposes of this section."

He moved this Amendment, because he considered that the words contained one of the most baneful interferences with the rights of landlords in the management of their properties involved in this measure—baneful to the landlord, to the labourer, and to the community at large. In legalizing sub letting, those words sanctioned one of the greatest evils to which, in his opinion, Ireland could be exposed. On the second reading of this Bill he protested strongly against their injustice, clearly foreseeing the evil consequences which they would involve. He asked the Committee impartially to consider what their effect would be. By this clause a penalty was imposed on the landlord, if he evicted a tenant for any other reasons than non-payment of rent. Hitherto the power of eviction had been the only direct check a landlord had to prevent his tenant from subletting his holding, and as the Bill was drawn originally it was evidently intended that he should still retain that check; but by the insertion of those words he was deprived of that most essential restraint, and of the power of either selecting or rejecting those who for the future were to be located upon him, and for whose welfare he would be responsible. He could not imagine anything more unjust; and so strongly did he feel on the subject, that if the words were retained he should consider himself quite warranted in voting for the omission of this clause from the Bill. It would deprive a landlord of the power of protecting himself against an evil which had been universally deprecated in all ages. It was directly encouraging the revival of that class of under-tenants which it had been the endeavour of every right-thinking man who had had anything to do with the management of land in Ireland to do away with—not by ejecting the unfortunate people, but by making them direct tenants, and removing them from under the thraldom of the middleman. It surely could not be necessary for him to revert to the past history of Ireland to prove that the system of subletting had been most injurious? The scenes in the famine, and even in more recent years of comparative scarcity and want, must be fresh in the memories of hon. Members on both sides of the House. The condition of some districts at the present time, where the unexpired term of some old lease showed the country as it was, swarming with a pauper population, for whose support the land they lived on was totally inadequate, driven by starvation and want to theft and other crimes, filling the poorhouses, the hospitals, and the gaols will prove that. Was that a state of things which they would wish to see revived? He could with confidence appeal to hon. Members on both sides of the House to bear him out in the assertion, that if these words were retained not many years would elapse before the country would be in the same condition. Before the Easter Recess he received a letter from an extensive landed proprietor in the counties of Kilkenny, Carlow, and Wexford, and who was justly regarded by all who knew him as a kind and indulgent landlord, and who was also a consistent supporter of Her Majesty's Government, and if the Committee allowed he would read it to them. The writer said—

> "I see by the papers that you intend to propose an Amendment in the Land Bill relative to labourers' cottages. I hope you will require three sleeping rooms—one for the parents, one for boys, and one for girls, not less than 12 feet square, besides the living room. I think Mr. C. Fortescue's Amendment, which appears to allow a cabin to be built upon a farm for every 25 acres, would, before long, swamp the country with paupers; if allowed at all, one for every 50 acres or 60 acres would be quite enough. In some Act, I forget which now, a proper kind of cottage is described, from which for non-payment of rent the landlords may eject, the same as weekly tenants in towns. That would probably be the proper kind to require in the Land Bill."

Now the right hon. Gentleman, referring to the Amendment placed upon the Paper by the Chief Secretary for Ireland, and which the Committee would bear in mind was intended to qualify and render less mischievous the proviso contained in the words to which he objected, implied, and quite justly, too, that even with this Amendment the effect would be that the country would before long be "swamped with paupers." He had selected that letter from among many because it came from a supporter of the Government, and would prove, if such proof were necessary, that in opposing this proviso he was actuated by no party spirit. He failed altogether to see how it could be made a party question. There was no vital principle of the Bill involved; it was a question of simple judgment, and in its true solution he believed they were all honestly and sincerely interested. He frankly and freely admitted that he believed the right hon. Gentleman the Chief Secretary for Ireland, in inserting this proviso in the clause, had been actuated by the sole object of benefiting the Irish labourer; but with every respect for him, on that plea alone, leaving out all other considerations, he could not too strongly condemn it. Again, appealing to hon. Members on both sides of the House, he could with confidence assert that the condition of the Irish peasant holding under a middleman was a wretched and deplorable one, kept in a position of the most abject dependence, charged an exorbitant rent for a miserable hovel, with the floor, perhaps, inches deep in filth and mud—perhaps no chimney, perhaps no window; the walls—if they deserved the name, propped up with sticks, looking as if each gust of wind would blow them down; the roof only sufficient to keep out the sun; and for the privilege of claiming this as a home, the labourer, besides, as he had said, paying a high rent, was bound to give his labour to his landlord in the busy time of year for less than half the wages he could obtain in the market, and in the slack time of year, when it was difficult to obtain employment, he might find it where he could or else starve. If the Committee would allow him he would read to them a few extracts from Reports of Poor Law Inspectors on the condition of agricultural labourers in Ireland. Dr. King, in his Report, said—

> "The wretched miserable cabins they have to live in, and for which occasionally they have to pay high rents, considering the accommodation afforded,"

were one of the causes of the discontent of the agricultural labourers, while another was—

> "The expectations raised in their minds by popular writers and speakers which never can be realized."

Mr. Robinson said—

> "Different causes have been assigned for this discontent, but the two principal reasons appear to be the uncertainty of work in winter and the manner in which these people are housed. Those who work for owners cultivating their own lands, and for some of the tenant-farmers who hold extensive farms are often provided with suitable well-built cottages and are regularly employed, and labourers so circumstanced are, as far as I can learn, contented, and have no sufficient cause to be otherwise; but this is not so with a large proportion of the population."

Mr. O'Brien's Report contained the following passage:—

> "The replies I have received from various districts, and from the most unquestionable sources, coincide to a striking degree in describing the house and lodging accommodation of the agricultural labourers as being in the great majority of instances extremely wretched in every way."

Now, all these Reports went to prove that where discontent prevailed bad dwellings and want of regular employment were the chief causes. Mr. Bourke, in his Report, stated that there was little community between the farmer and the labourer—a constant struggle between them about wages. He had been now 17 years resident on his own property in Ireland, during which time he had taken a very active part in the management of it. His great object had been to improve the condition of the labouring classes, and he had found that the most effectual way to do that was to render them independent of the farmers. The most frequent cases of dispute that had been brought before him to settle had been between middlemen and their tenants, the farmer wanting to turn a man and his family out on the road because he would not work for him for nothing; the tenant coming to complain that he held a wretched hut at an exorbitant rent, and that the farmer would not even give him a wisp of straw to repair the roof. By degrees he was happy to say he had got the greater portion of the labourers now on his property as direct tenants; but to do this he had to build 86 new cottages at a cost of considerably over £4,000, besides repairing innumerable others, to each of which he had attached a piece of ground. On almost everyone of the adjoining estates he found the same course pursued. Captain Beresford, whose property adjoined his, had within the last six or eight years built 27 new cottages at a cost of over £1,500. His hon. Colleague, the Earl of Bessborough, the right hon. Colonel Tighe—the writer of the letter which he read to the Committee—and many others, were working in the same direction, and neatly built slated cottages, cleanly kept, with every appearance of comfort, were now yearly springing up in all parts, taking the place of the squalid hovel—the hotbed of disease. Sanitary committees had been at work throughout the land, giving their time gratuitously, to enforce and encourage cleanliness, and so to remove the causes of fever and those other epidemics which, in former days, used to come like a scourge among the poor. But now all their efforts, all their pain, were to be rendered useless, and the door must be opened again to flood their properties with a pauper population. Every vagrant that could persuade a tenant to let him half-an-acre of land whereon to squat might come, no matter what his character, and throw up a shed against a ditch, where, with a precarious living, with theft to help the half-acre which could not possibly support him, he would eke out a miserable existence a prey to pestilence and want. It might be urged as a defence that such a state of affairs would be prevented by the words "*bonâ fide* required for the cultivation of the holding." But he wanted to know who was to be the judge of this fact? Did ever anyone know of an Irish tenant-farmer holding only 25 acres of land giving permanent employment to a labourer? So far as his knowledge went, it was exactly the reverse, and throughout the whole year he never gave one day's employment to a labourer. If his own family was not sufficient to carry on the work of the farm, he employed a servant boy who lived with him at a low rate of wages because he was lodged and boarded. A day labourer required ready money payment, and that was the very commodity which a 25-acre holder was often scarce in. In the busy times of year — seed-time and harvest — he helped his neighbours and his neighbours helped him in turn; so that he managed to get along without a cash expenditure, by giving his own labour as an equivalent for the extra help which he required. With that class of farmer it was much more common for him to go out with his horse for hire than to be an employer of paid labour himself. The Amendment of the Chief Secretary, limiting the number of such cottages to not more than one in every 25 acres, was, no doubt, intended as a sort of check; but what did it do? It allowed every man who held an acre of land to sub let half of it. He was not obliged to build the cottage. Any wanderer he chose to let it to might do that for himself, of any sort or description he liked. If that was to be permitted, we should soon have pestilence and famine again staring us in the face, and a far more discontented, because a starving population, affording willing tools to forward the views of the political agitator, who, so long as he had such a harvest to reap, would never cease out of the land. The condition of the Irish labourer afforded an ample field for beneficial legislation quite distinct from this Bill, and towards that object no one would more gladly help than himself. He hoped, presumptuous as it might appear to think that any plea he could use would have much weight, that Her Majesty's Government would consent to omit this provision from their Bill.

Amendment proposed, in page 4, line 7, to leave out from the word "with," to the word "section," in line 12, both inclusive.—(*Mr. Kavanagh.*)

MR. W. H. GREGORY said, this question affected the condition of the most miserable, and consequently the most discontented, portion of Ireland — namely, the labouring classes. He believed that he and his hon. Friend the Member for Carlow were both animated by the same motive in wishing to omit the latter portion of this sub-section. It appeared to him that the latter portion of the sub-section was inconsistent with its commencement. The commencement was directed against subdivision; but if the Committee passed the latter portion, he was afraid they would be sanctioning subdivision in a most dangerous manner. The whole question of legislating for the agricultural labourers of Ireland ought to be treated in a separate clause, with far greater minuteness, and he would vote for the present clause if the Government would consent to the addition of these words — "Provided the same be done in a manner hereinafter mentioned." This would permit a clause to be afterwards introduced, dealing with the whole question concerning agricultural labourers. If the Government were unwilling to assent to that, he would move that the clause which stood in his name, and which he had at first intended to move as a separate clause, should be introduced into the Bill in the shape of an addition to the clause now under discussion. He would not, however, bring forward that Motion until he had ascertained the intentions of the Government in reference to the subject.

MR. CHICHESTER FORTESCUE remarked that his hon. Friend the Member for Carlow (Mr. Kavanagh) was quite right when he said that the Government were desirous, by adding words to this portion of the clause, to promote the interests of the agricultural labourers of Ireland. To speak more accurately, the Government wished to take precaution that the operation of this clause should not put the labourers in a worse position than they occupied at present. The Government were of opinion that if they were to place under the penalty of a forfeiture of the privileges conferred by this clause transactions for the benefit of the agricultural labourer, he would be worse off than he is now. His belief was that the clause, as he proposed to alter it by the Amendment which stood in his name, would prevent such a result without incurring any danger of reviving the system of subdivision or subletting, which, by the words at the commencement of the clause, were altogether prohibited. The hon. Member for Carlow had spoken as if it were the question of subletting which the Committee had to discuss over again. This was not, however, the view of the Government, who thought they had so guarded this proviso that the question at issue was not that of injurious subletting, but merely whether a tenant should be permitted to provide a dwelling and a garden on fair terms, and where they were *bonâ fide* required, for his agricultural labourer, without being subject to the penalty of forfeiture under this clause. He denied that by doing this the Government raised again the question of subletting, which had been already disposed of. His hon. Friend the Member for Galway (Mr. W. H. Gregory) was very nervous with regard to this point of the clause, and desired to introduce a very elaborate set of provisions, which, after careful consideration, he confessed he did not think at all necessary. This part of the clause had been framed with great care, and he felt convinced it would not open the door to any injurious subletting, but would merely have the effect of permitting an Irish farmer to provide a dwelling and a garden for agricultural labourers *bonâ fide* employed on his farm. The limitation of one such labourer's house and garden to every 25 acres, which would be proposed in the Amendment that stood in his name, was a very important limitation, and would carry out the object of every Gentleman who entertained a great dislike to subletting. The Government did not propose to confer any new and special benefit on the agricultural labourers, but to prevent them from suffering any injury from a Bill which was mainly intended to benefit another class.

Mr. W. ORMSBY-GORE suggested that one cottage and garden should be allowed for every £25 value instead of every 25 acres. He had received a letter from Ireland, the writer of which said—

> "Is Mr. Fortescue so foolish as not to know that acreage is no test of value, and that the only fair criterion is the Poor Law valuation. Thousands of tenants hold 40 acres, and do not pay 40*s*., or half of that amount."

Mr. CHICHESTER FORTESCUE said, the amount of labour required on a farm did not depend on its valuation, but on its extent.

Mr. W. ORMSBY-GORE differed from the right hon. Gentleman. He had a farm of 380 acres, which was let at its full value—namely, £7 a year.

Mr. CHICHESTER FORTESCUE said, the hon. Gentleman probably referred to grazing farms, which it was intended to exempt from the operation of this part of the Bill.

Mr. GLADSTONE said, the proviso would only have reference to labourers *bonâ fide* required for the cultivation of the land.

Sir GEORGE COLTHURST asked, what security there would be that farmers should erect proper buildings for their labourers? The houses which Irish farmers at present built for their labourers were mere hovels, and the Bill provided no security against buildings hereafter to be erected being of the same description.

Mr. J. S. HARDY said, he thought that if the landlord was ready to provide a cottage for the labourer, the tenant should not be allowed to subdivide his land for the purpose.

Mr. CHICHESTER FORTESCUE said, he did not believe the Irish tenant-farmer would be so enthusiastic as to build labourers' cottages at his own expense if he found the landlord would do it for him. If the landlord provided the houses of course the question would not arise at all.

Mr. J. S. HARDY said, he knew cases in England where the tenant-farmer was most anxious to have the holdings in his own hands, because he wanted to build a cheap class of cottages, to charge high rents for them, and thus to grind down the labourers. After listening to the hon. Member for Carlow, he had no doubt whatever that this would be much more the case in Ireland than in England, and therefore a clause ought to be inserted to the effect that where the landlord was willing to build labourers' cottages the tenant-farmer should not be allowed to subdivide.

Mr. POLLARD-URQUHART looked upon the clause as a very valuable one, and one that would prove an antidote to many evils.

Mr. HENLEY said, there was nothing in the clause as it stood to prevent these half-acre tenants from having tenant-right, and in that case he wished to know who was to compensate them in case of ejection, the superior landlord or the tenant-farmer.

Mr. CHICHESTER FORTESCUE referred the right hon. Member to Clause 11, the 2nd sub-section of which prevented a hired labourer or servant of a landlord obtaining compensation, and to the Interpretation Clause, under which the tenant-farmer would in the case of such letting to his labourer be the landlord for the purposes of the Act.

Mr. BRUEN said, the point raised by the hon. Member for Rye (Mr. J. S. Hardy) was most important. Everybody who knew Ireland was aware that the class of cottages built by tenant-farmers for their labourers was very inferior, while the rent charged was very high. Landlords were building improved cottages; but if the sub-section under discussion were passed they would in future be prevented from doing so, because the tenant-farmer would rather have a low class of cottages with a high rent than good cottages with a moderate rent. He would like to see the scheme of the hon. Member for Galway adopted. The landlords of Ireland were sincerely anxious to see the position of their agricultural labourers improved; but this would never be the case as long as those labourers were made the under tenants of the farmers. He should like to know whether the labourers holdings' would be entitled to compensation?

Mr. HENLEY said, that if Clause 11 stood as it was at present tenant-right would exist in the case of the labourers' holdings, unless those holdings happened to be occupied by a man who worked for the tenant or the landlord.

Mr. CHICHESTER FORTESCUE said, that the definition of the word landlord as given in the Bill would prevent such a thing. The holding must be *bonâ fide* for the purpose of the cultivation of the land, and there must only be one such for every 25 acres.

Mr. HENLEY, reverting to the point he had already raised, said that the landlord A might let B build a cottage on a half-acre of land, and let it to C; but C might work for D or E, who had nothing to do with A, the superior landlord, or B, who built the cottage. Although the labourer's cottage might be necessary for the particular holding, there was nothing in the clause to secure that the man who worked on the farm, and no other, should be the occupant of the cottage.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) submitted that there was really no difficulty in the point. The Bill distinctly stated that in cases of subdivision or subletting without the consent of the landlord there would be no claim for compensation. If a tenant let half-an-acre to a labourer, he stood to the labourer in relation of landlord for that purpose. If there was any question of A and B in the matter, he thought the whole subject was an A B C question.

Mr. HENLEY observed, that there could be no mistake as to who was the landlord; but the question was, whether there was anything in either of the two clauses to insure that the person who laboured for the tenant should occupy the particular cottage on the holding, and to restrain the cottage from being occupied by any person who was not a hired labourer working for the tenant, and who, therefore, might set up a claim to compensation under the Bill.

Mr. CHICHESTER FORTESCUE remarked, that as the Bill stood at present, no greater number of cottages were to be built than were actually required by labourers *bonâ fide* engaged in the cultivation of the farm. If any person inhabited a cottage upon a holding who was not required for the cultivation of the farm, he could be turned out. [*Ironical cheers.*] The cottages were intended for the use of the labourers on the particular holding, and the Government had no desire to prevent the farmer from changing his labourers when he thought fit, and from turning any labourer he chose out of his cottage. [*Ironical cheers.*] That statement appeared to amuse hon. Members opposite; but he saw nothing singular in it. The labourer's cottage and garden formed part of his remuneration, and when the farmer wished to change his labourer, of course the cottage and garden must go to the new labourer. The hon. and gallant Member opposite (Colonel Stuart Knox) appeared to have become suddenly very much interested on behalf of the labourer; but he must recollect that it would not do to compel a farmer to retain a labourer to whom he might have some objection.

Dr. BALL said, it was, no doubt, a very important point whether or not a labourer was to be enabled to claim compensation for disturbance under the 3rd clause of the Bill; but he had arrived at the same conclusion with the right hon. Gentleman the Chief Secretary for Ireland that the labourer would have no such claim, although, curiously enough, for different reasons to those put forward by the right hon. Gentleman and by the Solicitor General for Ireland. The Interpretation Clause, in defining the meaning of the word "holding," proposed to enact that the term "holding" shall mean a farm or other holding of a tenant which is agricultural or pastoral in its character, or partly agricultural and partly pastoral. Now, it could never enter into any person's mind that a small cottage and half-an-acre of garden could be called an agricultural or pastoral holding, and it was only the tenant of such a holding that could claim compensation under the Bill. It was, however, easy to place the matter beyond dispute by adding words to the Interpretation Clause, which should exclude cottages and gardens from the operation of the Bill. In his opinion the terms of the 11th clause might be defeated by a man building a cottage for a labourer, and then placing his son in it, who, in the event of being disturbed in his possession, would have a claim for compensation. He thought it would be as well to adopt the carefully drawn Amendment of the hon. Member for Galway, which proposed to prevent the building of cottages upon holdings of less than 25 acres.

Mr. GLADSTONE said, that an Amendment would be proposed on behalf of the Government at a future stage, which would carry out that object.

Dr. BALL said, he was glad to hear that the Government were prepared to make such an important concession.

Mr. CHICHESTER FORTESCUE reminded the right hon. and learned Member that such a restriction would only apply in cases where the consent of the landlord to the building of additional cottages had not been obtained. He thought that the Amendment of the right hon. Member for Buckinghamshire (Mr. Disraeli), with regard to farms of less than 25 acres, was in accordance with the one of which he had given Notice on the part of the Government.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) remarked that if a tenant let a cottage and quarter-of-an-acre to a person who was really required for the cultivation of the farm, there was no subdivision; but if he put into the cottage some one who was not a *bonâ fide* labourer, he thus sub divided his land, and if he did this without the consent of his landlord, he lost his claim for compensation.

Colonel STUART KNOX remarked that he had been taunted by the Chief Secretary for Ireland with having shown a sudden partiality for the labourer. In his opinion, the labourer required more protection than the tenant-farmer of Ireland. Although the avowed object of the scheme was to prevent evictions, the Government had just stated that the poor labourers were to be turned out of their small holdings at the caprice of their employers, and were to be sent through the country begging their bread. This was the great boon that the Government proposed to confer upon the poor occupiers of Ireland.

Mr. W. H. GREGORY said, he thought the hon. Gentlemen who opposed his Amendment could not have seen the structures which were called cottages in Ireland, or they would have known that those places presented a picture of filth, squalor, and disease. He desired that this Bill should be a measure of progress, and not of retrogression. Fully one-half the crime committed in Ireland was committed by the labouring classes, and arose from the recklessness in that class owing to their miserable condition, which he would like this Bill to be a means of improving; but he knew what the effect of the clause would be as it stood, unless some provisions were made affecting the character of the houses which were to be raised. There would be miserable hovels of sticks raised up against a wall, and for such a miserable hovel, with half-an-acre of the worst land, a most exorbitant rent would be required. What he wanted was that the Committee should do something to secure that the dwelling built for the labourer should be one fit to be inhabited by a human being. He had given Notice of a clause which he thought would effect that object. He proposed that no tenant on any holding should erect any labourer's cottage on his holding without first applying to the landlord for liberty to do so. In case the landlord should decline to erect the cottage the tenant might do so, provided the total of such cottages on such holding should, in no case, exceed more than one cottage for every 25 acres, and provided that no cottage should be erected on a holding less than 25 acres. To every cottage erected in pursuance of this Act, a garden not exceeding one acre might be attached by the tenant, and in such case the garden should be held direct from the landlord. About the latter point he was indifferent; but he did think it important that the Court should have power to modify the structural requirements of labourers' cottages as laid down in the Cottier Tenant (Ireland) Act of 1856. If the clause were left as it stood, it would lead to the propagation of evils of which they now complained.

Mr. WHITWELL regretted that a discussion on the important subject just referred to by the hon. Member for Galway should have been raised on a prohibitory portion of the 3rd clause. He hoped, however, that every Member of that House would lend his aid to improve the condition of the Irish labourer. He thought that the introduction of a separate clause might best meet the justice of the case.

Mr. GLADSTONE said, he could not but think there was some misapprehension on the subject they were discussing. His hon. Friend the Member for Galway (Mr. W. H. Gregory) was dilating upon the wretched character of the cabins in which the Irish peasantry lived, and he was cheered as if the effect of the Amendment would be to secure the erection of excellent cottages for the Irish labourers. But the effect of the Amendment of his hon. Friend would not be to secure the erection of a single cottage. If his hon. Friend objected that these cottages would be, or might be, very bad or indifferent, at any rate, there was this to be said in reply, that they would be better for the labourers, all things taken together, than the cottages in which, but for them, they would have to live; because the labourers had no motive whatever to go into them except that they would be advantageous to them compared with those they would otherwise have at their command. But what he wished to point out to his hon. Friend was this—that there was no reason in the world why that question should not be separately raised. It was highly inconvenient to mix up the question of these cottages with that which the Committee were now considering—namely, whether the forfeiture incident to subletting should be applied to certain cases which might be defined afterwards.

Mr. C. S. READ said, he understood the usual plan of building labourers' cottages on a farm in Ireland was, that the farmer assigned to his labourer half-an-acre of the worst land on the farm, which the labourer reclaimed; and then, perhaps, with the aid of a few sticks that the farmer gave him, the labourer built his cottage upon it. If he understood the matter rightly, a farmer would be at perfect liberty to turn a labourer out of one of these cottages without giving him any compensation for his reclamation of land, or building a cabin; whereas the farmer, under this Bill, would be entitled to claim compensation from the landlord for that reclamation, and for the building which had been erected at the expense of the labourer.

Mr. BAGWELL said, that this was a clause for "re-cottiering" Ireland. Under this clause, a very wretched description of cabins would be built; but there was another consideration. Supposing a farmer to have five sons, and that to each of four younger ones he gave a cottage, and supposing that at his death he left his farm to his eldest son, what would be the position of the son? He would find his four brothers holding under him. Under such circumstances, the farm would be no paradise to him. What the Government ought to do was—abolish the Union rating, and leave the building of cottages to the operation of free trade. There was no property that paid so well as well-built and fairly regulated cottage property. He had an enormous number of such cottages himself, and he knew that there was no better property. If the provision of the Bill with reference to the building of cottages passed without modification, the result, in many cases, would be that the labourer would have to depend for his life's breath on the farmer, who was not generally very tender-hearted. There was nothing but this one clause that could do any harm; and he, therefore, trusted the Government would listen to the appeal made to them, and supported by the experience of the hon. Member for Galway, and that they would postpone this matter until it could be considered on a broader proposition for the housing of the labouring classes.

Question put, "That the words 'with this qualification' stand part of the Clause."

The Committee *divided*:—Ayes 284; Noes 218: Majority 66.

Mr. KAVANAGH then moved to insert after "that," in page 4, line 7, the words "in the case of holdings exceeding 25 acres in extent of tillage land," his object being to limit the number of cottages on small holdings.

Mr. CHICHESTER FORTESCUE said, that this was the Amendment of which the right hon. Member for Buckinghamshire (Mr. Disraeli) had expressed his approval, and the Government were quite willing to agree to it.

Mr. GLADSTONE said, he thought it better that the wording of the Amendment should be—"in the case of holdings of 25 acres and upwards of tillage land."

Mr. KAVANAGH assented.

Mr. W. ORMSBY-GORE concurred in the object of the Amendment; but, in order to provide that the land should be *bonâ fide* tillage land, he suggested the introduction of words declaring that the land must have been under tillage for not less than five years.

Mr. SYNAN objected to the insertion of the word "tillage," and suggested the substitution of the word "arable." In a farm of 100 acres, there might be only 25 acres of tillage land, because tillage land was actually land in tillage. He objected to drawing a line at 25 acres. The arrangement of the line ought to be left to the landlord and tenant.

Mr. CHICHESTER FORTESCUE explained that they had agreed to the introduction of the words because grass land required a smaller number of labourers. Tillage land included land sometimes in grass, and on which the crops were taken in rotation.

Amendment, as amended, *agreed to.*

Mr. BRUEN moved, in page 4, line 8, after "land," insert "other than town parks on which the occupier does not reside, and holdings in towns and villages."

Mr. CHICHESTER FORTESCUE said, the Amendment was totally unnecessary, town parks being already excepted from the operation of the Bill. A holding was defined to be a farm.

Amendment, by leave, *withdrawn.*

Mr. PELL moved the insertion, after "*bonâ fide* required for," of the words "and employed in" the cultivation of the holding. As the clause stood a labourer, might after he had built a cottage and reclaimed land, be evicted without compensation. He proposed, by the introduction of the words, to throw a protection round the labourers.

Amendment proposed, in line 9, after the words "required for," to insert the words "and employed in."—(*Mr. Pell.*)

Mr. SYNAN opposed the Amendment. The words imported that the labourer must be employed in the cultivation of the holding before the cottage was built.

Mr. CHICHESTER FORTESCUE said, he did not think the words really added anything to the meaning of the clause, and it was possible they might, from their strict legal interpretation, have an injurious effect on the tenant-farmer, which was not intended.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 210; Noes 270: Majority 60.

Mr. CHARLEY moved that the Chairman report Progress.

Mr. GLADSTONE said, he hoped the hon. Gentleman would not persevere in his Motion. The Committee had now come to within the narrowest possible point of settling this matter; and it could scarcely be expected that they should not come to a decision, when the only serious step to be taken was to add the Amendment proposed by his right hon. Friend (Mr. C. Fortescue), which would carry out the principle which had been adopted by the Committee in reference to the limitation of the power of granting allotment of 25 acres of tillage ground, and to which he believed there was no opposition.

Lord HENRY THYNNE directed the Chairman's attention to the fact that Progress had been moved.

Mr. DISRAELI suggested that the Motion should be withdrawn, on the clear understanding that when this matter was concluded Progress should be reported.

Motion, by leave, *withdrawn.*

Sir HERVEY BRUCE rose to move an Amendment restricting the 25 acres to the building of cottages.

Mr. CHICHESTER FORTESCUE: The hon. Member has moved the Amendment of which I had given Notice on the Paper.

Sir HERVEY BRUCE: I have put the Amendment in the proper place.

Amendment, by leave, *withdrawn.*

Mr. CHICHESTER FORTESCUE moved, in page 4, line 10, after "case," insert—

> "And not being in number such as to raise the total of such cottages on the holding to more than one for every 25 acres thereof."

Sir HERVEY BRUCE said, he hoped that the right hon. Gentleman would at the end of his Amendment insert the words "of tillage land" instead of the word "thereof."

Mr. CHICHESTER FORTESCUE assented.

Amendment, as amended, *agreed to.*

Mr. KAVANAGH proposed to insert words defining the kind of cottage that should be provided for the labourer, with the view that it should be fit to live in.

Mr. CHICHESTER FORTESCUE said, he hoped his hon. Friend would not press his Amendment, the effect of which would be to inflict the penalty of forfeiture on the tenant-farmer if the labourer's cottage had not a sufficient chimney, if the window did not open properly, and so on.

Amendment, by leave, *withdrawn.*

Mr. RUSSELL GURNEY said, as they had spent half-an-hour in discussing that on which they were stated to be all agreed, he should move that the Chairman report Progress.

Mr. CHICHESTER FORTESCUE said, he hoped, as they had all but finished, the right hon. Gentleman would not persevere with the Motion.

Mr. GLADSTONE put it to the right hon. Gentleman that there was an understanding that the sub-section should be finished.

Mr. RUSSELL GURNEY said, that understanding was arrived at on the distinct intimation that they were all agreed.

Mr. J. LOWTHER said, the understanding was that there was only one Amendment of the Chief Secretary to be proposed; but now it was found there were others. ["No!"]

Mr. CHICHESTER FORTESCUE said, that there were only two Amendments remaining, one of which he knew would be withdrawn.

Mr. W. H. GREGORY consented to withdraw his Amendment.

Mr. GLADSTONE, in consenting to have Progress reported, said, that seeing the Paper was very full for to-morrow night he proposed to put the Bill down for Monday; but he hoped next Friday the Paper would not be so full, because in the case of a Bill of that importance it had always been the endeavour to obtain more than two nights in the week.

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

NATURALIZATION BILL—(*Lords.*)

[BILL 86.] CONSIDERATION.

Bill, as amended, *considered.*

Mr. VERNON HARCOURT rose to move certain clauses of which he had given notice. He proposed, he said, to omit the 4th clause in order to insert an Amendment, the effect of which would be to declare that the children of foreigners born in this country should not, by the fact of their birth alone, be regarded as British subjects, but should be regarded as aliens until they were naturalized. Why should they give to aliens merely because they were accidentally born in this country, and whose mothers, perhaps, had been in England only for a few days or a few weeks, the privileges of British subjects, which they might not desire? privileges which, it must be remembered, descended even to their children and grandchildren. Could it be maintained that they either could or ought to enforce against those persons when they went abroad, the obligations of British subjects as they would enforce them against British subjects in the ordinary sense of the word? Their experience of such cases as those of the famous Don Pacifico and the Baron de Bode showed the inexpediency of our undertaking to give to that class of persons the same protection as we were bound to extend to *bonâ fide* British subjects. Such a doctrine violated the principle of the Bill, which was that they should terminate the double allegiance. The children of foreigners, by the law of all countries, retain the allegiance of their parents, and we ought not to seek to confer on them in addition the artificial character of British subjects. A strong opinion had been pronounced by the Lord Chief Justice of England on the subject, and he hoped the Government would be able to assent to the Amendment, which was entirely in accordance with the principle of the Bill.

Clause (Children of alien father subjects of foreign states,)—(*Mr. Vernon Harcourt,*)—*brought up,* and read the first time.

SIR ROUNDELL PALMER said, the Bill was intended to fulfil a practical and also an urgent object—namely, to terminate certain practical difficulties with the United States of America, and to give effect to the Convention which had been entered into with that country. If the propositions of his hon. and learned Friend were now adopted, not only would they be entering, without an opportunity for sufficient consideration, into a subject of very great difficulty and very large importance, but they might be introducing an element of confusion and practical difficulty into those very relations with the United States which it was the main object of the Convention which had been entered into to settle. His hon. and learned Friend expressed rather what he wished to see accomplished than anything which the Bill attempted to accomplish, or which this country by itself could accomplish, when he said the main principle of the Bill was to get rid of double allegiance—an object which could not be completely attained without the consent of other nations. ,The Commissioners thought it important to have such a rule as would at once get rid practically of difficulties with other countries abroad, and, at the same time, not introduce any unnecessary difficulties at home. They had to deal, practically, not with rare and extraordinary cases of transitory foreigners, but with the far more common and numerous cases of children born in this country—the children of persons long resident here for purposes of trade, foreigners by birth, and, perhaps, still by nationality; persons, the great majority of whom had not thought it worth while, and, under any change of the law, might never think it worth while, to get letters of naturalization; and if, for the sake of any uniform theory, the status of these children were made to follow the status of the parents as to nationality, a practical hardship and disability would be inflicted upon a large and important class of persons who, as the law now stood, became upon their birth British citizens, and often proved to be most valuable British citizens. At this moment he believed there were in the House Members who were the sons of foreigners resident in England, and who were yet as good Englishmen as any whom he now addressed. The Commissioners, therefore, recommended that if a child were born in this country of an alien father he should still have the privileges of a British subject by reason of his birth, unless, when he came of age, he made a declaration that he wished to be considered an alien. The principle of thus constituting a *primâ facie* nationality, with a power of choice on the attainment of majority, was acted upon in some other countries, and seemed to meet every practical object. On the other hand, the Commissioners recommended that, while we should continue to offer the privileges of British nationality to children of British subjects born abroad, those privileges should not be asserted in a sense inconsistent with the allegiance which those persons might owe to the country in which they were born. He could not agree with his hon. and learned Friend as to the universal prevalence abroad of the theory he advocated; and to attempt to apply such a theory in practice would land us in difficulties of a very serious character. For instance, the rule did not obtain in the United States, which asserted, like ourselves, that birth gave citizenship. The child of a British father born in the United States became an American citizen, and few emigrants there, in comparison with the whole number, naturalized themselves. What, then, would be the consequence of adopting the suggestion, that, for good or for evil, for all purposes whatever, everybody born of a British father in the United States, when the father was not naturalized there, should be deemed a British subject? The United States desired to encourage emigration, and would not for a moment adopt that view. In Denmark, in Holland, and in Portugal, the children of foreigners not naturalized born in those countries were considered the subjects of those countries, and in Italy also the birth determined the nationality. But his hon. and learned Friend proposed that, after the passing of the Act—

> "No person born within the dominions of Her Majesty of an alien father, which person at the time of his birth became under the law of any foreign state a subject of such state, shall be deemed a British subject by reason only of his birth within the dominions of Her Majesty."

No doubt that proposal was intended to meet certain difficulties in the case; but it could not be carried out, because it would involve perpetual inquiries into the laws of all foreign countries to determine whether the child of an alien was a British subject or not. To be obliged for all purposes of Parliamentary and municipal franchises to ascertain whether the father at the birth of the child was a citizen of a foreign country, and to determine this point, not by our own law, but by the law of other nations, would introduce the greatest uncertainty. You could not refer to a simple, uniform rule on this subject in other countries. For example, a Frenchman who had lived here without the purpose of returning to France was no longer a Frenchman, and you could not, therefore, determine nationality in such a case without going into the question of domicil; the practical difficulties of which, in the unanimous judgment of the Commissioners, made its adoption as a test of nationality impossible, however proper it might seem to be in theory. A Prussian living here for 10 years ceased to be a Prussian subject; and, therefore, according to the theory of his hon. and learned Friend, a child of such a father born in the 11th month of the 10th year of such residence would be a Prussian child, but if born after the completion of the 10th year, it would be English. Again, a Spaniard or Italian would lose his nationality if he accepted foreign service. Thus, under the rule proposed by his hon. and learned Friend, many persons might have no nationality at all, for their parents being *primâ facie* foreigners, you could not, without minute inquiry into questions of fact, of which the proof might often be difficult, and questions of foreign law, as applied to those facts, tell whether they were British subjects or aliens. All these were at least reasons for not hastily changing the law, and he submitted that every reasonable object was answered by the 4th clause of the Bill. All countries had, with practical uniformity, admitted that statutory legislation, giving rights as citizens, in this or in any other nation, to those who, by the law which touched them locally at their birth, and by the principles of International Law, owed a primary allegiance as subjects to some other State, could not operate upon those persons, without their own consent, so as to impose upon them any obligations inconsistent with their natural allegiance. Whatever might be the letter of the statutes, as to "all intents and purposes whatsoever"—and words as strong had received a reasonable interpretation, qualifying their effect, in many other cases—there had never arisen from them, in practice, any real difficulty at all.

THE SOLICITOR GENERAL said, that the Bill did not express any opinion, but attempted to give to both sides the greatest facilities for getting rid of or retaking allegiance to this country. There was very much to be said for the theoretical views of the hon. and learned Member for Oxford (Mr. V. Harcourt); but after careful consideration the Government had resolved to keep this matter out of the Bill, which was not a nationality one, but related only to expatriation and repatriation. Therefore, the hon. and learned Gentleman's observations were not relevant to the subject, and he could not accede to the proposition.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived.*

MR. VERNON HARCOURT formally moved his other clause, which he said was founded on the unanimous recommendation of the Commissioners. He hoped that the House would not deal with this question, as the hon. and learned Member for Richmond seemed to desire, by dealing with it in sections in successive Sessions of Parliament. Surely, there might now be passed a clause as to which there was no difference of opinion in any country in the world, and which was founded on the words of the statute in force in America.

Clause (Children of British subjects born in foreign states,)—(*Mr. Vernon Harcourt,*)—*brought up,* and read the first time.

SIR ROUNDELL PALMER said, he remained of the same opinion as to this subject, and he had no intention of conveying the idea that the House ought always to be altering this part of the law. But the present Bill did not seek to repeal the existing statutes on this matter, and although, on this point, the Commissioners had expressed a unanimous opinion, yet the House could hardly deal with so important a matter in a summary way upon that opinion alone, in a Bill which, as introduced by the Government, did not relate to that question.

THE SOLICITOR GENERAL trusted that the House would keep to the simple object of the Bill, and not deal with a subject which required much consideration and negotiation.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived.*

MR. CHARLEY moved, in Clause 1, page 1, line 10, to leave out "real and," and in line 11, after "alien" to insert

> "And real property of every description may be taken, acquired, held, and disposed of by an alien becoming such in pursuance of this Act."

Amendment proposed, in page 1, line 10, to leave out the words "real and." —(*Mr. Charley.*)

THE SOLICITOR GENERAL said, it was impossible for the Government to accede to the Amendment. If it were adopted, persons disavowing British nationality, who might have gone to America and returned to this country for purposes for which some persons did return, would have a right to acquire real property which would be denied to a French nobleman.

Motion made, and Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to.*

Bill to be read the third time upon *Monday* next.

CONVENTUAL AND MONASTIC INSTITUTIONS.

MOTION FOR NOMINATION OF SELECT COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [8th April], "That the Select Committee on Conventual and Monastic Institutions be nominated by the Committee of Selection:"—(*Mr. Newdegate:*) —And which Amendment was,

> To leave out from the words "That the" to the end of the Question, in order to add the words "Order for the appointment of the Select Committee on Conventual and Monastic Institutions be discharged,"—(*Mr. Cogan,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. PEASE moved the adjournment of the debate.

MR. SCOURFIELD said, that as he was not aware that the Chairman or any other Member of the Committee of Selection was present in the House, with the exception of himself, he wished to enter a protest against the nomination by that Committee of the Committee moved for by the hon. Member for North Warwickshire. At the same time, he admitted that the Committee of Selection were bound to acquiesce in any order the House might think fit to make. It had, however, generally been the custom that when any hon. Member applied for a Select Committee, the responsibility of nominating that Committee rested upon him, and he hoped the ordinary rule would not be departed from in the present instance. The Committee of Selection would do their best to act in accordance with the decision of the House, and there he should leave the matter.

MR. NEWDEGATE wished to state why he deemed it his duty to press his Motion on the present occasion. Before he placed the Notice on the Votes, he consulted Members of the Government and other hon. Gentlemen, because, in 1854, the House was defeated in its intention to inquire into matters analogous to those specified in its Order of the 29th of March last by the use of its own forms, and in consequence of the delay caused by moving adjournments. The House had already pronounced its intention to inquire into conventual and monastic institutions by its Order of the 29th of March, and as the purport of that Order had been misunderstood, he would read it. It was as follows:—

> "That a Select Committee be appointed to inquire into the existence, character, and increase of Conventual and Monastic Institutions or Societies in Great Britain, and into the terms upon which income, property, and estates belonging to

> such Institutions or Societies, or to members thereof, are respectively received, held, or possessed."

He regretted extremely to find that the intention of the majority of the House was threatened with defeat by the minority, who, he understood, intended to use the forms of the House on the present occasion for that purpose. Of that intention he was informed before he gave his Notice, and he thought it was his duty to frame his Motion, so that the intention of the majority of the House should, if possible, be carried out. This was one of the principal reasons which induced him to move that the Committee be nominated by the Committee of Selection. He felt bound, by the respect he entertained for the House, to guard against any repetition of the tactics resorted to in 1854, when the system of debating upon the name of each Member proposed by the nominator—and this in the most invidious manner—had been resorted to for the purposes of annoyance and delay. There had been a great deal of misunderstanding with respect to the intention of the Order of the 29th of March. By some persons it was represented that the House of Commons was about to send down Inspectors—God knows how appointed—to investigate the condition of each inmate of every convent and monastery in the country. A Notice was proposed to that effect last Session by the hon. Baronet the Member for Fifeshire (Sir Robert Anstruther); but he (Mr. Newdegate) immediately placed on the Paper an Amendment to the effect of the Order now adopted by the House, with a view of guarding against the danger of rashly proposing an invasion of these institutions without previous inquiry. He had seen with regret a declaration of the Roman Catholic laity, which proceeded on the assumption that the House was about to commit some monstrous outrage on some of Her Majesty's subjects. Considering the education and position of the persons who had signed the declaration, he was astonished that they should address, not to this House, but to the public, an expression of such a total want of confidence in the discretion, the character, and the intentions of the House as was manifested in that document. He must say there was an appearance of something like arrogance in the tone in which this declaration was couched. For instance, the third paragraph commenced with the words—"We resent" the action of the House of Commons. The fourth paragraph began with "We repudiate;" the fifth with "We denounce," and the sixth with these words—

> "Lastly, we declare that this proposed inquiry will prove the beginning of a period of religious strife."

And they went on to say—

> "It must and will be regarded as a declaration of war against the Catholics of the United Kingdom, and a renewal of the old bad days of persecution and of penal laws."

He denied that the majority, who voted for the Committee, intended anything worthy of reproach, conveyed by the document he had read, and he lamented that any body of his fellow-countrymen should have been tempted to express opinions so disrespectful to the House of Commons. The Roman Catholic ladies had expressed themselves in terms of distrust which he should have thought their knowledge of Members of that House would have forbidden; evidence, however, had been given in the mode of procedure he had adopted, that there should be no want of care and consideration in the nomination of the Committee; he had advisedly resolved to secure the nomination of the Committee through the recognized organ of the House—its Standing Committee of Selection—in order that the House should not be liable to any imputation of precipitation or unfairness in the composition of the Select Committee which had been ordered. He could not forget that, during the Recess, he had been the object of continual libel. He had submitted the publication of one of the grossest of these libels to competent counsel, who had come to the conclusion that a gross breach of the privileges of the House had been committed in his person. He did not, however, propose to ask the House to notice the matter, otherwise than by appointing the Committee it had ordered, partly, he believed, on the faith of the statements which had been controverted in these libels; he urged the House to carry out a decision highly appreciated by hundreds of thousands of the people of England. It was no Irish question, but an English and Scotch question, and he demanded that the decision of the House be immediately acted on in the name of those who had entrusted him with their Petitions, and in the name of his constituency, no mean portion of the community.

MR. BRUCE said, he did not propose to discuss the point whether the method of nomination chosen by the hon. Member was the best; but he wished to correct an expression calculated to mislead the House when the hon. Member stated that he had chosen this mode of investigation after consultation with the Government. That the hon. Member had stated his intentions to himself and other Members of the Government was not improbable; but to the statement that anything like a consultation had occurred he entirely objected. He, however, wished to address himself to the question of Adjournment. This was the second time this important question had been brought before the House; on the first occasion it was brought forward at half-past 1 in the morning, and the debate was continued until about half-past 3. On the present occasion the question was brought forward at about 2, and it was now nearly half-past.

MR. NEWDEGATE observed, that it was brought forward at half-past 8 on the first occasion.

MR. BRUCE replied that he was strictly accurate in his statement; he did not refer to the Motion for the appointment of a Committee, but to the question of nominating the Committee; and he complained that it was unreasonable to bring forward such a question at 2 o'clock in the morning, when he himself had been in the House for 14 hours, and most hon. Members had been there for 10. The greatest interest was felt in the subject throughout the country; it was impossible to discuss it with moderation, as such a question should be discussed, when what little strength remained to them partook rather of feverish excitement than of vigour necessary for the calm and effective discussion of so important a subject. At the same time he was anxious, on the part of the Government, to show every desire for a fair consideration of the question. He therefore proposed that the debate should be now adjourned, and that the question should be put down on the Paper for Monday, to come on after the debate on the Irish Land Bill. [*Laughter.*] Hon. Members seemed amused at that proposal; but on what ground could they object to resume a debate at 12 o'clock upon which they had not hesitated to enter at 2? The Government had little time at its disposal for dealing with questions which he ventured to think were of greater importance even than this, and in making the proposal he believed the Government would be deemed to have shown a conciliatory spirit.

MR. BROMLEY-DAVENPORT said, he hoped his hon. Friend (Mr. Newdegate) would accept the proposal of the right hon. Gentleman.

MR. NEWDEGATE said, that a proposal to take up the matter at 12 on Monday night was hardly showing proper consideration to the importance of the subject. If the right hon. Gentleman would say 11 o'clock, the proposition would be more reasonable.

VISCOUNT SANDON said, the Government could hardly be aware of the great interest felt throughout the country upon the subject; and when its representatives talked of feverishness setting in at 2 o'clock, he would ask whether similar symptoms were not apparent at 12. It was extremely desirable that the religious excitement likely to grow with delay should be put an end to by a prompt decision. His impression was that the Government was beginning to dally with the question. The question should be discussed calmly and quietly; and he entreated the Government not to play with the question, for the feeling upon the subject was becoming a serious element in the case.

MR. SCLATER-BOOTH said, the Home Secretary was much mistaken in assuming that the House was disposed to debate the original question at all. The question now before the House was, whether the Committee should be nominated by the hon. Member or by the Committee of Selection? Although the original question had been fully debated and decided upon, it was again and again brought forward upon this Motion.

MR. SYNAN denied that the House had deliberately decided the original question, and said that in arriving at the decision in favour of an inquiry it was caught in a trap. There was a great wish, on the part of Roman Catholic Members, to debate the question fully, and expose the motives which actuated the Mover for inquiry.

MR. J. G. TALBOT remarked that the Government appeared to be trifling with the question. He and the hon. Member for North Warwickshire were ready to accede to any reasonable request, but they objected to the subject being delayed. There was no religious feeling in the matter, and he hoped the Government would name a reasonable hour for the resumption of the debate.

Lord GARLIES said, that the House should be prepared to come to a vote on the Main Question at once.

Mr. HENLEY said, that a feeling had grown up in the country on this subject which, for the sake of peace, the sooner it was allayed the better. Language such as he never recollected to have heard or read, had been used towards that House on this occasion. He never before heard it said that a Committee of that House would insult persons in conducting an inquiry of any nature. He had never seen anything that would warrant such an assertion. He hoped the Government would sacrifice an hour, and let the House come to a decision without further adjournment. The longer this question was hung up the greater difficulty there would be in allaying the spirit that had been aroused by the language that had been used. It was very easy to rouse that feeling, but it was not so easy to allay it.

Sir RAINALD KNIGHTLEY said, he hoped there would be a clear understanding that, if the debate was adjourned a Division should be come to on Monday night without any further factious opposition.

Sir JOHN ESMONDE declined to be a party to any such arrangement.

Mr. M'CARTHY DOWNING said, the feeling that had been raised in the country on this question was attributable to hon. Members opposite. It could be immediately allayed by withdrawing the Motion.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Pease.*)

The House *divided*:—Ayes 128; Noes 173: Majority 45.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. H. A. HERBERT moved the adjournment of the House.

Sir HENRY HOARE seconded the Motion.

Mr. BROMLEY-DAVENPORT strongly urged that the Motion of the hon. Gentleman might be proceeded with on Monday at a reasonable hour, considering the importance of the question.

Sir JOHN ESMONDE said, he thought the Irish Land Bill a more important subject than this, and hoped that no time would be taken from the former for the latter.

Sir JOHN HAY assured the Government that there would be a better prospect of Progress with the Irish Land Bill if they came to a reasonable arrangement for this debate.

Mr. BRUCE said, he had offered an hour, which would admit of a satisfactory discussion, on Monday night. Without fixing the hour now, the Government would be willing to facilitate the discussion as far as possible.

Viscount ROYSTON inferred, from the remarks of the Home Secretary, that the Government meant to do what they liked, because they had a sufficient majority at their back. Irritation was arising, and the Government ought to do all in their power to put an end to the excitement.

Mr. NEWDEGATE said, he wished to treat the Government with respect; but he must remind the Home Secretary that the demand for further discussion came from his own side of the House. His proposal was not for a measure but for an inquiry. There had been no excitement till the Roman Catholics themselves got it up. He asked the Government to name 11 o'clock on Monday night for the resumption of the debate.

Mr. MONK said, he thought that, in the absence of the Prime Minister, the Home Secretary had done everything to facilitate the discussion of the question. He hoped the hon. Member for North Warwickshire would accept the right hon. Gentleman's offer.

Sir LAWRENCE PALK wished to know whether the majority of the House were to be defeated by the minority, aided by the Government? He hoped his hon. Friend (Mr. Newdegate) would not accept the offer of the Government.

Sir JAMES ELPHINSTONE said, if the Prime Minister were not present, he might have been. The Easter Vacation he had spent with his constituency, who believed that the resistance offered to a fair inquiry was inspired by fear of the consequences. The other side, by carrying the Irish Church Bill, had raised a Frankenstein they would not easily lay.

MR. MATTHEWS said, the last remark made it appear that this Motion was pushed as an act of vengeance for what was done last year. He appealed to the hon. Gentleman who had brought forward that Motion, and who must feel that this was a matter of the deepest interest to millions of his fellow-countrymen, to say whether he did not think that every Roman Catholic in that House ought to have the opportunity of expressing his opinion upon the proposal for the appointment of a Committee.

MR. AGAR-ELLIS appealed to the Government to give way.

MR. WHALLEY charged the Government with suppressing the discussion of this question out-of-doors.

SIR MICHAEL HICKS-BEACH appealed to the Home Secretary, on the part of the Government, to give ample time for discussion on Monday night, and not to countenance Motions for Adjournment, but to secure a Division on the Main Question on Monday. He would also appeal to the hon. Member for North Warwickshire to withdraw the Motion for Adjournment.

MR. BRUCE said, of course, when the Government were going out of their way to afford time for the discussion of this question, they could not encourage Motions for Adjournment, but would do their best to secure a decision on the Main Question on Monday night.

MR. NEWDEGATE, on that understanding, consented to the adjournment of the debate, and gave notice that he would move that the debate should be resumed at half-past 11 o'clock on Monday night.

Motion made, and Question, "That this House do now adjourn," — (*Mr. Herbert*,)—put, and *negatived*.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate arising.

Debate *adjourned* till *Monday* next.

SALE OF LIQUORS BILL.

Acts *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to enable owners and occupiers of property in certain districts to prevent the common Sale of Intoxicating Liquors within such districts.

Resolution *reported*: — Bill *ordered* to be brought in by Sir WILFRID LAWSON, Sir THOMAS BAZLEY, Lord CLAUD HAMILTON, Sir JOHN HANMER, Mr. MILLER, Mr. DALWAY, and Mr. MACARTHY DOWNING.

Bill *presented*, and read the first time. [Bill 112.]

House adjourned at a quarter past Three o'clock.

HOUSE OF LORDS,

Friday, 29*th April*, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—War Office* (74); Evidence Further Amendment Act (1869) Amendment* (75).

Second Reading—Customs (Isle of Man)* (54); Survey of Great Britain, &c.* (71).

Committee—High Court of Justice [72], *put off*; Appellate Jurisdiction [73], *put off*.

HIGH COURT OF JUSTICE BILL—(No. 72.) —APPELLATE JURISDICTION BILL.

(*The Lord Chancellor*.)

(NO. 73.) COMMITTEE.

Order of the Day for the House to be put into Committee (on Re-commitment) to consider the High Court of Justice Bill.

THE LORD CHANCELLOR: My Lords, I have now to ask your Lordships to resolve yourselves into Committee on this Bill, which, as you are aware, has already been committed *pro formâ*, in order that advantage might be taken of the many criticisms, by no means of an unfriendly nature, which were passed on particular portions of it on the second reading. My noble and learned Friend who spoke first in that debate (Lord Westbury) then expressed great regret that no provision had been made in the Bill itself for immediate arrangements which would enable the Court when constituted to assume all the functions and jurisdictions of a High Court of Justice. Now, the object of the Bill being to combine in one course of procedure and under the jurisdiction of one Court all those functions and jurisdictions which are now possessed by a great variety of Courts, and to secure as much as possible uniformity of practice; and the Divisions of the Court being made simply for the convenience of business, and not for the purpose of establishing anything like separate jurisdictions, the Bill originally proposed that the duty of framing a code of procedure should be intrusted to the whole body of the Court, which would consist of 23 Judges; and my noble and learned Friend (Lord Westbury) feared that, considering their ordinary duties and the possible discrepancies of opinion which would exist among them, the task of drawing up a code of procedure would be indefinitely postponed. Now, I confess I did not at the time feel that there was so much force in the objection as my noble and learned Friend appeared to conceive; because the Commission on Judicature, on whose recommendations the Bill has been introduced, and most of whose suggestions it embodies, though composed of a larger number of persons than would constitute this Court—of persons, too, all engaged in other duties—were able, within a very reasonable time, to present their Report. At the same time I did feel that there was considerable force in what my noble and learned Friend said in reference to the possible discrepancies of opinion amongst Judges habituated to a mode of action during the greater part of their lives different from that which the new system would introduce. There was also the objection that they could not meet to deliberate until the Act itself came into effect, which it was not intended should peremptorily occur until Michaelmas Term, 1871, though power was given to the Crown by an Order in Council to accelerate its operation. After much consideration it appeared to me that the best method of meeting these objections was this—Instead of intrusting the duty of drawing up the Code to the whole of the Judges, and instead of referring it back to the Commission, as was proposed by my noble and learned Friend, it would be better to place it in the hands of those who, in their place in either House of Parliament, are responsible for the execution of the work: and I think this might be done by having the rules framed through the Committee of the Privy Council, taking care that the Lord Chancellor and the Chancellor of the Exchequer for the time being should be on it—the former for the purpose of supervising and considering whatever modifications might be proposed, the other to give his decision as to any additional expense that might be occasioned by such modifications. By further giving the power to the Committee to call to their assistance any Members of the Privy Council they may think proper, it seems to me that we shall have a body fully competent to the duty in question; while many of them are in the enjoyment of more leisure than the Judges to whom it was previously proposed to assign the duty. There will be this further advantage—that as their duties are to commence immediately on the passing of the Act, the rules can be taken into consideration, and can be finally framed against the time when the Act comes fully into operation. I may also observe that I speak with some experience on this subject, because last year Parliament entrusted to the Lord Chancellor the duty of framing the rules and regulations which were to govern the proceedings of the Bankruptcy Act: and though the Act was passed not long before the close of the Session, and was to come into operation on the first day of the present year, these rules, though numerous and intricate, occupying nearly 100 pages of a small volume that has been issued—being fully as numerous as can be required under the present Bill—they were ready at the proper time, and are now in full force. I do not, therefore, anticipate any difficulty in framing the rules under this Act by the system I now propose; and we may also expect this advantage to follow from entrusting to the Committee of the Privy Council the duty of preparing the Code, that the precedent thus set may be found of great utility on future occasions. Another noble and learned Lord (Lord Penzance) intimated, in the course of the debate on the second reading, that he thought it would be desirable that something definite should be introduced into the Bill, by way of indicating at once the course the Legislature wished to be taken with reference to the code of procedure—something to show that the rules of Common Law, which hitherto have operated in many respects so disadvantageously to the suitor that it has been found necessary to modify them after the pattern of the Equity and Admiralty Courts, should be regulated in one uniform way, instead of being left in the "hard and fast" condition the inconveniences of which I had described. The object of that suggestion was that there should be no intermixture or clashing, but one common course of procedure. Now, I have endeavoured to provide for that by enacting, in the 13th clause, that the course of procedure in the Admiralty and Equity Courts, where they have exercised jurisdiction, shall be part and parcel of the Common Law course of procedure, and that where any rule of Common Law conflicts with them, the jurisdiction which has hitherto been exercised by the Court of Chancery, or by the Court of Admiralty, shall prevail. Another objection was raised with reference to the Home Circuit. The Bill, as originally drawn, proposed the abolition of the Home Circuit; but that was objected to by my noble and learned Friend on my left (Lord Chelmsford), and also by the noble Duke (the Duke of Richmond), who now leads the Opposition side of the House. The Bill, as it now stands, proposes simply to give jurisdiction to the Courts at Westminster over all matters now triable on the Home Circuit; so that suitors will have their choice whether the proceedings shall be conducted at Westminster or not; and, in respect of criminal matters, the Bill proposes to give to the Central Criminal Court an equal jurisdiction over the whole, such as it already possesses over a large portion of the Home Counties. This, however, is not to interfere with the issuing of such commissions of Assize as may be thought proper in those counties; and it is probable that, as regards Surrey at least, it will be found necessary to issue a commission of gaol delivery from time to time. The matter will thus be practically tested, and I am certainly of opinion that, as to the civil business, at least, there will be a very general desire to transfer it to the metropolis. These are the changes in matters of principle which have been made in the Bill, and the alterations of detail, on which much care has been bestowed, relate to those who now hold offices, and other matters important to the parties concerned. Having said thus much with regard to the first Bill on your Lordships' Table, I have only one word to say with reference to the second—the Appellate Jurisdiction Bill. With regard to that Bill, very general dissatisfaction was expressed on the second reading with the part of it dealing with the appellate jurisdiction of this House. I did not altogether share in those objections; but I have thought it right to omit that portion of it altogether, seeing that it had not the authority of the Commission, who were not authorized to deal with that question, and therefore passed it by. With regard to the objection that, by the operation of the two Bills, three or four appeals would be allowed where at present there are only two, there was a slip in the framing of the Bill which made that criticism just. I may explain that the intention was that there should be an expeditious appeal from the decision of one Judge to three or more Judges on interlocutory matters—injunctions being often of importance to the parties, although not affecting the final settlement of the cause. The object was that this appeal should be confined to interlocutory matters; while appeals deciding the merits of the cause will be carried only to the High Court of Appeal, just as they are now carried to the Court of Appeal in Chancery and the Court of Exchequer Chamber. No further interlocutory appeal will be allowed, so that appeals will not be multiplied, but will in several respects be diminished. I have now to ask your Lordships to go into Committee on the first of these Bills.

Moved, "That the House do now resolve itself in Committee."—(*The Lord Chancellor.*)

Lord ROMILLY: I think my noble and learned Friend should have allowed us a little longer time before asking us to go into Committee on these Bills. The objections which I made to the original Bill have been almost all met; but I only obtained a copy of the amended Bill two days ago, and I have only today forwarded to my noble and learned Friend a good many suggestions, which, though not of the same importance, it was impossible for me to give notice of. If it is desirable that those Amendments should be reserved till the Report, I must be content; but that is not the most usual or the most convenient course. The framing of rules of procedure to fuse Law and Equity will require much time and care. Let me give a simple illustration arising from the peculiar difference between the legal estate and the equitable estate. Your Lordships are well acquainted with an "estate for life without impeachment of waste"—a term which means that a man during his life may act exactly as if he were the owner of the estate in fee simple, and may cut down timber, open mines, &c., without being liable for any consequences. It not unfrequently happens that such a man, having no children and not friendly to his successor, cuts down all the ornamental timber, destroys the hot-houses, and tears away the lead from the house. An action is brought against him in one of the Common Law Courts; but the Court holds—as has been done from the time of Lord Coke—that he can do what he pleases, and cannot be made liable for waste. The suitor is told that he has made a mistake and must go to the Court of Chancery, where he immediately obtains an injunction, on the principle that the man is making an inequitable use of a legal right. Now, in laying down one uniform course you must alter the law with respect to impeachment of waste, and must define it in such a manner as to provide that, whether an action is brought or a Bill is filed, it shall be dealt with in the same manner? It will clearly be necessary to define exactly what "an estate for life without impeachment of waste" consists in—for at present, by Common Law, a man may do any kind of destruction, while Equity holds that he cannot make use of a legal right to do an injustice to his successors. You will never get a perfect union of Law and Equity unless you make a code of laws which will, to a considerable extent, alter the character of the laws that now exist. You are now making a prodigious alteration in English law, with which many persons will be shocked. The fusion of Law and Equity will require great care and time—it is a matter not to be done speedily, it cannot be done by altering the procedure merely, and I hope some delay will be given that the subject may be duly and more fully considered.

Lord CAIRNS: My Lords, as I had the honour of being Chairman of the Commission to which my noble and learned Friend on the Woolsack has referred, and have had no opportunity of submitting to your Lordships any observations on these Bills, your Lordships may not think it out of place if, even at the present stage, I trouble you with a few remarks. The noble and learned Lord who has just addressed your Lordships (Lord Romilly) was guilty of no exaggeration when he spoke of the prodigious change in the law which they propose to effect. Indeed, there has never before been any legislation on the judicature of this country of so large a scope. Year after year during the greater part of the present century we have made various attempts at improving our system of law and judicature; but almost all of them were small, imperfect, and fragmentary; and, although I am not prepared to deny that great improvements have been made, even in that manner, the reason, I think, why our law is open to the reproaches cast upon it is that no one of those measures was conceived in a large and generous spirit, or went to the root of the real evils in our system of judicature. It was, therefore, with great anxiety that I examined these Bills; and, concurring as I do in all that my noble and learned Friend proposes to himself as their object, I hope my noble and learned Friend will pardon me if I venture to point out some defects which will require careful consideration. If by these Bills we only add others to the many fragmentary measures that have been passed, we shall but bring disgrace on the Legislature; while, on the other hand, if we accomplish the aim of the Commission, and once for all settle our system of judicature on a broad, intelligible, and practicable basis, we shall obtain a degree of credit as great as ever attended on any measure passed by Parliament. The main object of the measures, like that of the Commission, is to put an end to the inconvenient and irrational distinction between Law and Equity which has crept into our system; but I am unable to discover in the Bills any machinery by which this is accomplished. Beyond the definition of the offices of the Judges and their officers and salaries, everything, with perhaps the exception of two or three general sentences introduced into the amended Bill, is relegated to a body outside Parliament—originally to the Judges and now to a Committee of the Privy Council. Now, we should be making a great mistake if we thought that the distinction between Law and Equity is so much a matter of principle as it is one of form and procedure. Why is it that a barrister or a solicitor accustomed to the Courts of Equity, if he passes to the other side of Westminster Hall into one of the Common Law Courts, is as ignorant of its forms and procedure as if he were in the court of a foreign country? It is not that Law and Equity are, with rare exceptions, acting on different principles. The principles are the same—the laws of evidence are the same; so, too, are the laws of the construction of written instruments and the modes of dealing with Acts of Parliament; but from the beginning to the end the forms and technical details are essentially different. It was to this subject that we, in the first instance, directed our attention. In the Court of Chancery, the three Common Law Courts, the Courts of Probate, Divorce, and Admiralty, the proceedings all begin by a different writ, issued from a different office; so that, before any person who has a complaint can make it the subject of a civil proceeding, he must be advised, and pay for that advice, as to what Court to apply to for a writ. It appeared to us to be the right of every subject to say that there should be one writ applicable to every kind of civil inquiry issuing from one office, so that, without any technical advice as to where the action should be brought, he may get a writ without any fear of mistake. Now, I see no provision in the Bill on this subject, and I doubt whether by means of rules you can deal with the whole complicated system of writs and offices, and substitute one writ applicable to all civil cases. We next found that every Court had an entirely different form of procedure as regards the mode of putting the complaint on the record and the manner of answering it; and we recommended that there should be one uniform system of pleading, prescribing the form which it should take. Here, again, the Bill is silent, leaving it to some other body, which may or may not do it, and transferring to other shoulders the responsibility of Parliament. This is a course altogether novel, and one which ought not to be encouraged. Even in the case of bankruptcy, where there was no necessity of reconciling the conflicting procedures of various Courts, and where the general principles of the law were tolerably well ascertained, so that only details had to be arranged, I objected that a great deal was left to rules to be framed by the Lord Chancellor and the Chief Judge; but that case affords no precedent for a measure which proposes to alter the whole system of judicature which has prevailed for centuries, and which demands, if ever a measure did, the attention of the Legislature. When the Common Law Procedure Act was passed, it was not left to the Judges or to a Committee of Council to modify the procedure; but the measure was prepared on the responsibility of the Government, in pursuance of the Report of a Commission. All its provisions appeared on the face of the Bill, and if any rules had to be made subsequently, they were merely as to forms of writ, and mere matters of detail. Again, in 1852, when great changes were made in the procedure of the Court of Chancery, in pursuance of the recommendations of a Commission, those changes were discussed and settled by Parliament. The original proposal of my noble and learned Friend was, that the larger changes, recommended by the Commissioners, should be left to be worked out by means of rules to be framed by the Judges—and I admit that no body of men could be found better qualified in point of knowledge; but there are reasons which will prevent them from preparing them. The first objection is, that they are fully occupied, and could only devote their time to the work when exhausted by their ordinary duties; and the second is, that it would be impossible to secure in a fluctuating body of 20 or 30 men the requisite harmony and accord upon comprehensive changes in the law to produce a body of rules bearing the impress of the general ideas which we wish to see prevail. The rules should be prepared by competent persons, and inserted as clauses in the Act of Parliament. My noble and learned Friend now proposes that the rules, or rather the clauses of this Act, should be prepared by a Committee of Council, including the Lord Chancellor and the Chancellor of the Exchequer for the time being. Now, if my noble and learned Friend would undertake, on his own responsibility, to frame the clauses necessary to give effect to our Report, I should feel perfect confidence as to the manner of its performance, and should be glad to accept them at his hands;

but if he is prepared to undertake that responsibility, he might as well introduce the clauses into the Bill itself. If, on the other hand, the responsibility is to be shared by some unknown members of the Privy Council, selected we do not know how, what guarantee have we that a work of such magnitude will be properly performed? The only consolation is that one of them is to be the Chancellor of the Exchequer. Now, I have great respect for the holders of that office, and the present Chancellor of the Exchequer has peculiar qualifications for any kind of amendment of the law; but, without confining my observations to any individual, I do not think that, looking back 20 or 30 years, Chancellors of the Exchequer have had either leisure or qualifications to devote to the re-construction of our judicature. Turning to another point, I think there is a great deal in a name, and the attention of the Commission was largely occupied, not merely with the question of one uniform civil Court, but with the various names assumed by the present Courts. Now, nobody in framing a general system of judicature would think of establishing separate Courts with separate names, implying different jurisdictions and procedures; and had we been able to make a *tabula rasa* we should have recommended one supreme Court to transact as a whole, or in Divisions, the whole business of the country. There being, however, from 20 to 30 Judges of the Superior Courts, all of them appointed by letters patent Judges of specific Courts, and entitled to salaries amounting to £100,000 or £150,000 a year, we thought that were these Courts annihilated they might naturally urge that their offices were gone, and that they had not been consulted as to accepting positions as Judges of a Court altogether different. Although, therefore, our desire was that as the consummation of the measure there should be but one Court and one name, we thought that, by way of transition, the present names might be preserved as names for the divisions of the one Court. Rely upon it, that as long as you preserve the names of Chancery, Queen's Bench, Common Pleas, Exchequer, Probate, and Divorce, the measure will be imperfect, for there will linger about the Courts traditions of the old system which will not disappear until the time arrives for giving up the names. I find, however, in the Bill no trace of the Legislature setting its mark on those names as destined to come to an end. The Supreme Court should have its own proper title, and there should be no recurrence to the old names associated with a system that will have passed away. I agree that they should be preserved until the present Judges pass away, or until you get their assent, as you probably may in particular cases, to the change of title; but there should be a distinct statement that they are to cease, and as soon as possible the Court should, by an Order in Council, assume its definitive title. The Commissioners recommended—and none of their recommendations has met with more general assent—that there should be a great central *Nisi Prius* Court in London, in which not only London cases, but those which, though tried at Hertford or Guildford, are really London cases, should also be tried. We therefore proposed that the Home Circuit should be abolished, and that there should be two or three branches of a *Nisi Prius* Court constantly sitting in London. We accompanied that, however, by a series of proposals necessary to give effect to the principal proposal; and inasmuch as the suppression of the Home Circuit and the creation of this *Nisi Prius* Court would involve the trial at the Central Criminal Court of an increased number of prisoners, we proposed there should be a classification of criminal offences, magistrates being empowered to commit to quarter sessions to a greater extent than at present, unless they were able to state special reasons why cases should be sent to the Assizes. A great number of charges in the Home as in other counties might be disposed of at quarter sessions, and it would be a useless expense to bring them to the Central Criminal Court. As moreover it might be deemed a hardship to bring up jurors from the Home Counties to try cases in London which might be tried in the locality, we recommended a large and general system of easing the responsibility of jurors, altering their qualification, extending the area from which they are selected, and improving their position. We also contemplated changes in the other circuits. Now, it is clearly premature to carry out the abolition of the Home Circuit and to create this *Nisi Prius*

Court in London until you are in a position to effect what is necessary as to the whole jury system and the alterations in the other circuits. With regard to the second Bill, I do not know why my noble and learned Friend proposes to separate the Appellate Court from the Supreme or High Court, for this is quite at variance with our recommendations. We wished to put an end to the multiplicity of Courts, and to create one Supreme Court—which, I think, is a better name than the High Court of Justice—the Appellate Division being part of it, and having relegated to it the duty of rehearing cases. That would surely be better than a separate Court, for I know from experience that when you separate Courts there ensues a kind of estrangement between the primary and Appellate Court—the latter feeling itself more fettered, and the former feeling itself more independent, than would otherwise be the case. The Bill provides also that the Appellate Court shall have no original jurisdiction, and shall not hear or rehear any evidence. This, again, runs contrary to our recommendation; and if you constitute the Court on that principle, you may shut up all the appeals in Chancery. I appeal to the noble and learned Lord opposite (Lord Romilly), who has had as much experience as most men, whether, during the last 20 years, it has not been necessary in one-half the cases of injunctions, owing, perhaps, to the haste with which the original proceedings were conducted, to have some new evidence to supply something that was lacking. All I have said as to the rules of procedure applies equally to the second Bill, for it contains no provisions on that subject, and of many of our recommendations no notice is taken. It is thought, I presume, that they can be effected by appointing a body to frame rules; but so great and important a work ought to be accomplished by the Legislature. The question then arises, what course your Lordships will think it right to take? I do not know whether the noble and learned Lord opposite (Lord Westbury) intends to proceed with his Motion to refer back the question of form and procedure to the Commission, or to refer it to some other body, with the view of framing rules and clauses for an Act of Parliament on the subject; but I venture to urge an objection to that course. I think the Legislature would thus be delegating to others its proper work. In this case a Commission has already reported. If their Report is satisfactory, we have a right to expect from the Government a measure giving full effect to it. If, on the other hand, the Report of the Commission is not satisfactory, then that is a reason for the appointment of another Commission, which shall make changes not in form but in substance. I venture to press upon the Government another course. The work undertaken by the Government is so great an one that it is of much more importance it should be done well than that it should be done either this year or next year; and, in my opinion, a Bill complete in all its parts should be laid before Parliament. I agree that form and procedure are things of such a character, that even if you put them on the face of an Act of Parliament you will probably still want a power in the Judges of the Court to supplement or modify, in those petty points of detail which occur in daily practice, some of the provisions contained in the Act. But I think you should have those provisions in the Act in the first instance. I believe it is wholly impossible to pass these Bills, with any kind of satisfaction to ourselves, through the Committee or through this House; and if they pass this House, it is idle to suppose that they would be accepted "elsewhere." I am quite sure that no one can be more anxious than my noble and learned Friend to have regard to the general principles I have mentioned; and I therefore trust that he will consider the propriety of withdrawing these Bills, and of re-introducing them in this or a subsequent Session, with a complete code of procedure upon the face of the Bills themselves, so as to carry into effect the main object which was contemplated in the Report of the Commission.

LORD WESTBURY: My Lords, these Bills contain one of the most magnificent schemes of law reform which has been proposed in my time; but in proportion to its grandeur is its difficulty. It obviously requires much time and care to carry into effect, or else it will be abortive altogether, and we shall only have another added to the list of ineffectual attempts at law reform. I object to this Bill, in the first instance, upon principle. My noble and learned Friend on the

Woolsack lays before the House a mere sketch of what may be a grand picture, and says—"I desire you to accept this outline, which will hereafter be filled up. At present you have a mere skeleton; but when nerves, sinews, and muscles are put upon these dry bones, it will become a magnificent structure." Now, my Lords, I submit that it is not your province to act as delegators of the duty you have to perform. Let me give you a practical instance to show how imperfect the present Bill is, and how incapable anyone reading it will be of knowing what the institution now designed will hereafter be made. The Bill proposes to create a great institution called the High Court of Justice, and then makes it comprehend five minor Courts or Divisions. But what relation the High Court of Justice will bear to the Divisions, or what will be the functions of the High Court, it is utterly impossible to gather from this Bill. In some minor clauses you are told that there shall be a power of appealing to the High Court of Justice from some orders of a particular description made by the Divisional Courts. But that is a trifling point. When we desire a more accurate knowledge of the functions of the High Court we are obliged to go to Clause 16, which enables Her Majesty from time to time—

> "By Order in Council made by and with the advice of a Committee of Council, to make, and when made, repeal, alter, or add to any rules," including "the selection of the business to be heard before the High Court itself, and the time of the sitting thereof."

Whether this Court is to be wholly a Court of First Instance, disposing of original business merely, or simply a Court of Re-hearing, and in that capacity to control the Divisional Courts, is a thing of which no man can have any knowledge until these rules and orders are drawn up. Is it possible for us to legislate in that state of ignorance? We are asked to establish a great Court of Appeal. How do we know that this High Court, the functions of which are thus kept under a cloud, may not be so constituted as to supersede the necessity of constituting the Court of Appeal? If the High Court is to be both a Court of original jurisdiction and a Court of Appeal, where is the necessity of interposing that tribunal, when you are about to establish a distinct Court of Appeal? Your Lordships, therefore, will see at once that, instead of making the institution known, and framing it by the help of your legislative wisdom, you are asked merely to give it a name, and then intrust to others the duty of assigning to it the whole of the business it is to transact, and the whole extent of its jurisdiction. Surely that is not the mode in which this House ought to deal with the vested rights of suitors? The people of England have a right to the present mode of administering justice, be it good or bad, and to the forms, pleadings, procedure and practice of the existing Courts; and you are not to take away this right until you can substitute for it something which appears to you more effectual for the administration of justice than the present system. I speak thus as a sincere friend of the Bill, and with sincere admiration of the manner in which the Lord Chancellor has set himself to accomplish this great work. But this is not the mode of doing it; this bare outline cannot be accepted by the public or by the other House of Parliament. What the Bill may become we know not. In what way it may be moulded we know not. What new rules there may be for the administration of justice we know not. Yet we are asked to delegate that which it is our duty to know and decide to another body whose determination upon the matters referred to them can never be effectually revised or controlled by us. It is true that the rules of the Court may be laid before Parliament; but it is utterly impossible then to discuss or enter into the consideration of them. You may move an Address to the Crown for the rejection of these rules; but you cannot exercise any power of control or of personal supervision in respect of them. I beg every noble Lord to pass his eye down Section 16, and see the extraordinary duties you take from your own House and commit to another body. The selection of the business to be heard before the High Court, the transfer of business from one Divisional Court to another, the constitution of Courts consisting of a less number of Judges than is required for a Divisional Court, and the appropriation of the business to be transacted by such Courts — all this is to be done by the Committee of Council. Now, here are great and sweeping changes in existing institutions. Are you to pull these down, not for the purpose of re-building, but for the purpose of committing to some other architect or builder the task of raising a new edifice in place of them? The Committee of Council is to decide on

> "The number of Judges required to concur in a judgment of the High Court, or of a Divisional or other Court, and the mode in which such judgments are to be given, whether as the judgment of the Court, or, if there be a difference of opinion, as the judgment of individual Judges;",

and, after detailing the duties which the Committee is to perform, the enumeration is wound up by these most sweeping words—that the Committee of Privy Council shall determine "all matters incidental to or connected with the administration of justice." Now, if a matter of this importance is to be handed over to a small Committee of the Privy Council, and is not to be submitted to Parliament, why should not any other question be committed to the same tribunal, to be moulded according to their pleasure? I am quite sure that my noble and learned Friend will do better service to this measure, to himself, and to the great object he has in view, if he will allow himself sufficient time to prepare and submit to the House not a mere outline, but a complete picture, filled up with all the details of pleading, procedure, and general administration which he intends to substitute for those now existing. The present practice has come down to us from the very earliest times; the Courts have gone on administering justice in a manner with which the people are familiar; and now you are asked to alter this system in some unknown way, which will not be submitted to the judgment of Parliament. The object is to pull down what I have before ventured to term the wall of partition which now exists between the Courts of Law and Equity; but all that my noble and learned Friend proposes to do by this Bill is to declare that the jurisdiction exercised by the Court of Chancery shall be modified by the Common Law to the extent to which it differs from it. Now, there are numbers of relations known to the Equity which are ignored by the Common Law Courts. The relations, for instance, of trustee and *cestui que* trust are unknown to the Common Law. The same remark applies to the power of husband and wife of dealing with each other as if they were separate persons. Much more effectual legislation, therefore, than this will be required to accomplish the object which we have in view — that a suitor shall not be driven from one Court to another. I hope my noble and learned Friend will perceive that I have not spoken in any other sense than to promote that object, which I fear cannot be effectually done until the Bill comes before us clothed with all those forms which are necessary for the purpose. I have no doubt, I may add, that we shall see the time when such a measure will be passed, to the great credit of my noble and learned Friend, and of the legislation of the House of which he is a Member.

Lord PENZANCE: I am glad that my noble and learned Friend, who has just sat down (Lord Westbury), recognizes the great value and scope of the change which it is proposed to effect in our system of judicature by the Bill under our consideration. To carry out a change of this character, dealing with all the Superior Courts of the kingdom, and their various modes of procedure down to the most minute details, cannot be otherwise than a most gigantic task; and in listening to my noble and learned Friend—who, I believe, entertains the most sincere desire that a measure of this kind should pass—I was struck with the circumstance that substantially the whole of his objections to it resolve themselves into this—that the Bill ought, before being laid before Parliament, to contain not merely what may be called the skeleton or main features of the scheme proposed, but ought to convey, on the face of it, the entire details of the new system which is to be substituted for the old. Now, I am not one of those who think that that would be desirable. I believe that if you were to attempt to place on the face of the Bill not only the proposals for the new structure of the Court and the new arrangement of its jurisdiction, but all the details with respect to the procedure by which each Division of this great Court should work out the ends of justice, that task would be found too cumbrous to be effectually carried out within a reasonable time; but that when it had been so worked out it would be found to have all the evils of the old system, which consist in the strictness and binding nature of the mode in which details in our Courts have hitherto been stereotyped. No doubt he who supports a change of this character ought to go as far as, having removed the existing jurisdiction, to indicate plainly the Courts which were to take up the work; and the scheme of this Bill is of that character. It proposes to establish one Supreme Court, with the whole of the jurisdiction exercised by the existing Courts; it defines the number of Judges and the number of Divisions, and then it deals as a matter of detail, which is to be worked out by some external body, with the making of rules, which will settle all the details under which the measure is to be worked. That is an alternative plan, in my opinion, not by any means inferior to the plan which has been sketched out by my noble and learned Friend opposite. I doubt very much whether, if all the details referred to were mentioned on the face of the Bill, it would be capable of being passed into an Act of Parliament. My noble and learned Friend lays great stress on the argument, that it would be desirable that he who has a wrong to redress should be able to go into one Court and receive a remedy for that wrong. Now, as matters at present stand, every man who has a wrong to be redressed before a Court of Common Law is obliged to go to an attorney, and that attorney, except in some delicate cases, has to decide in what Court he should proceed. My noble and learned Friend opposite drew, I think, a true picture when he said a barrister who is in the habit of practising in the Court of Chancery finds himself, when he enters a Common Law Court, in a strange atmosphere. That my noble and learned Friend attributes to the procedure being different in the two sets of Courts. I maintain, however, that there is at the bottom of the course of procedure in the Courts of Equity and the Common Law Courts an essential difference which no form can alter. Those who are engaged in the Equity Courts are employed in arguing before a Judge; those who are engaged in the Courts of Law for the most part have to plead before a jury, and to examine and cross-examine witnesses. Now, we all know that there are some gentlemen in the profession who have great aptitude for the one and not for the other of these functions. The result is that, so long as witnesses continue to be examined in open Court, there will be a class of advocates who will devote themselves to a class of business in which experience has made them expert. Whatever alteration, therefore, may be made in the course of procedure, the result will remain that these two classes of advocates will always be required, and will always be forthcoming. In Section 22 the Bill provides that all the offices connected with the issue of writs should be handed over to the High Court, while it was provided by another section that all proceedings should be instituted in that Court. All, therefore, that my noble and learned Friend desires is, in reality, done by the Bill—his objection, in truth, being that it is not done on the face of it, but is left to be done by means of rules and orders. Now, I think there is no greater error than to suppose the public would greatly benefit by that on which my noble and learned Friend insists. So long as the substance and subject-matter of cases remain different, so long will one form of procedure be proper for one form of case, and a different form for another. It is, in my opinion, by no means desirable to have one uniform procedure which may be fit or unfit for particular cases. Then, my Lords, it is said that the Judges will not have time to make these rules, and that, therefore, the proposition that the rules shall be made by the Judges of the High Court ought not to be accepted. I will take leave to remark, however, that this very recommendation was made in the Report of the Commission. The matter was very much discussed by the Commissioners, who recommended that the Judges of the High Court should make the necessary rules in order to regulate the procedure of the newly-established Courts. How have all the rules which govern the Court of Chancery been made except by orders of the Lord Chancellor? Again, the rules of the Common Law Courts, with the exception of those embodied in the Common Law Procedure Act, were all made by the Judges. I may refer to the Court over which I have the honour to preside, and which was established some 10 or 12 years ago. When Parliament founded that Court on the ruins of the Ecclesiastical Courts it left the procedure to be arranged by Sir Cresswell Cresswell, the first Judge, and the result was that a body of regulations was produced, which answered their purpose perfectly. I feel satisfied there will be no difficulty in arranging the details of the measure; and that, with regard to the framing of the rules, the Judges of the present Courts will be able to frame all the rules they require without inconvenience to themselves or to the public. Considering the want of elasticity in an Act of Parliament, and the way in which it would fetter the new Courts, I think my noble and learned Friend on the Woolsack has done right in leaving the details of the arrangement of business to be worked out by some external body, whether that body be the Judges or the Committee of Council.

THE LORD CHANCELLOR: My Lords, I certainly have great reason to regret that I was compelled to move the second reading of the Bill in the absence of my noble and learned Friend (Lord Cairns), who has addressed you so powerfully to-night with reference to the Bill in its present shape. I should have been glad to have had some of my noble and learned Friend's suggestions at an earlier stage of the measure. But I must say, in reference to the main point of difference between us, that I believe it would be futile to attempt to introduce into the Bill all the rules and regulations by which the High Court of Justice is to be conducted. It would be vain for me to make a promise to introduce those rules into the Bill, for I do not think we should improve the existing state of things by enacting a "hard and fast" system, regulating the whole course of our judicial procedure. My noble and learned Friend said he was somewhat surprised and disappointed to find that, although it had been the object of all who concurred in or recommended this great and important change to bring it about conclusively and at once, yet no provision is made in the Bill for altering the names of the several Courts which at present exist. Now, I entirely agree with him that it is desirable to do away, as soon as possible, with the prejudices which may cling to those names and tend to mislead the public and those who practise in the Courts. If, however, I do not greatly deceive myself, my noble and learned Friend is himself desirous of retaining those names for a time; and he will find a clause in the Bill to the effect that the new Divisions shall be designated by their present names or by such others as Her Majesty in Council may hereafter appoint. I did not think it necessary or decorous to say that Her Majesty should make the change; but I did deem it desirable to intimate an expectation on the part of Parliament that these designations will be altered as soon as may be convenient. As far as that matter is concerned, I think I need say no more. It is intended that this large and beneficial reform should be a reform in outward form no less than in inward substances; but, of course, the substance is of the greatest importance. I conscientiously believe that this reform may be effected without difficulty in the course of the present Session; and I should greatly regret its being postponed for another year in consequence of a question being raised as to whether the code of procedure should be introduced in the Bill itself. On a former occasion, when my noble and learned Friend was not present, I mentioned that great anxiety had been evinced on the part of a large body of the profession—particularly the attorneys and solicitors—that the Bill should be passed during the present Session. A deputation from Manchester, Leeds, Birmingham, Sheffield, and Newcastle urged the pressing forward the measure by all means in my power; and newspapers—especially those connected with the legal profession—also wished it to be passed without delay. All that is of substance in the change of the law—all that can affect the substantial rights of parties—should be defined clearly and distinctly in the Bill; but all that concerns mere procedure is a proper subject for rules and regulations, which ought not to be stereotyped by Parliament, but rendered capable of elastic expansion. It is of no interest at all to the public, except with regard to the saving of time and expense, in what form their rights are administered. All they care for is, that their rights shall not be endangered without full and distinct notice being given on the face of an Act of Parliament. Therefore, large powers have been, from time to time, conferred on the Judges for framing codes of procedure. It is quite true that rules were embodied in the Common Law Procedure Act; but the result is that the Judges have often lost much valuable time in discussing the real meaning of those rules—time which might have been saved if they had themselves had the power of framing the rules. My noble and learned Friend on my right said that a mere skeleton Bill was produced, and asked what the Court was to do? Now, I must say this is not a correct representation of the case. Everything the Court has to do is defined in the Bill; it has to exercise all the jurisdiction formerly exercised by any one of the Judges, its powers are all clearly defined; but the mode in which the Judges will best perform the high duties intrusted to them must be decided hereafter in the light of experience. Therefore we have left to the Judges themselves the discretion of providing for the general rules of procedure; they will be completely free and unshackled in regard to framing the regulations for the disposal of the business of their Courts and carrying their decisions into execution; but we have taken care distinctly to enunciate the principles upon which this mode of procedure is to be framed. My noble and learned Friend very truly said that one great grievance that suitors suffer from is that when people have been brought up to a particular system of procedure, they are unable to emancipate themselves from its cramped rules. Now we are anxious that, as far as possible, all forms of procedure should be similar; but we have provided against the inconvenience of their becoming stereotyped. The same authority which frames the rules in the first instance may from time to time alter them as the exigency of the moment shall require, laying them before Parliament in each case, so that the Legislature may step in and arrest the course of anything which may tend rather to produce mischief than benefit. In this way we hope to secure a perfect code which cannot be departed from except through the medium of the like machinery. All that it is proposed to insert now is permissive power to suitors to get their cases tried in London instead of on the Home Circuit. An enormous amount of business is now thrown on the last town of the Home Circuit through London suitors resorting to it in the hope of obtaining a more speedy trial than could be obtained in London through faults which this Bill proposes to cure. It has been remarked that the line of procedure is not sufficiently indicated to those who have the framing of the rules. That is a very proper point for those who have charge of the Bill, of whom I am one, to reconsider; but I cannot hold out any hope of introducing the alterations required in the Bill. What I propose to-night is, that we should go on to the 6th clause of the Bill, which constitutes the new Courts, and then to report Progress.

LORD ROMILLY said, he had an objection to make to Clause 3; and, under those circumstances, he hoped his noble and learned Friend would not insist on proceeding with the Bill that night.

LORD CAIRNS said, he considered that the objection which he had made to the measure was one of a vital character, and he hoped the noble and learned Lord would consent to postpone the Committee for a few days, in order to afford the learned Judges generally an opportunity of re-considering the whole subject. He thought it only right that he should inform their Lordships that he had received a communication from the Lord Chief Justice of the Common Pleas stating that the learned Judges with whom he had spoken were desirous of having an opportunity of considering the alterations proposed to be made in the Bill by the noble and learned Lord on the Woolsack before the measure was further proceeded with, they having received copies of the proposed Amendments only three days ago. Under these circumstances, he trusted that the measure would not be proceeded with that night.

THE LORD CHANCELLOR observed, that the main object of the measure had been long under consideration. It had been thoroughly considered in the Report of the Judicial Commission laid before Parliament in October last; and the intention of the Government to bring forward a Bill founded on the recommendations of the Commission had been distinctly announced in the Speech from the Throne. The Bill had not only been printed, but had been circulated among the learned Judges more than six weeks ago, and he had hoped that during the period that had since intervened he should have been communicated with by them with reference to the subject. With the exception, however, of the Chief Justice of the Common Pleas, the Lord Chief Baron, and Mr. Baron Bramwell, not a single learned Judge had communicated with him upon the matter—greatly to his regret. Not having received any expression of opinion on the part of the learned Judges adverse to the measure, and believing that nothing would be gained by delay, he thought that the House might well have proceeded with those clauses of the Bill in which no alterations were proposed to be made. In deference, however, to the wishes which had been expressed by the noble and learned Lords, he would consent to a further postponement of the Committee upon the Bill for a reasonable time. In the meanwhile, although he could not compel the learned Judges to communicate with him unless they were disposed to do so, he trusted that he should be put in possession of their views upon the measure. Under these circumstances, he begged leave to withdraw the Motion for going into Committee upon the Bill.

Motion (by leave of the House) *withdrawn;* and Committee (on Re-commitment) *put off sine die.*

APPELLATE JURISDICTION BILL. Committee (on Re-commitment) which stands appointed for this day, *put off sine die.*

House adjourned at half past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 29*th April*, 1870.

MINUTES.]—NEW WRIT ISSUED—*For* Longford, *v.* Captain the Hon. Reginald James Macartney Greville Nugent, void Election.

SELECT COMMITTEE—Public Petitions, Mr. Henniker-Major *discharged*, Mr. Reginald Talbot *added.*

PUBLIC BILLS—*Ordered—First Reading*—Queen Anne's Bounty (Superannuation) * [114].

Second Reading—Railways (Powers and Construction) * [76]; Gas and Water Facilities * [77].

Committee—Report— Poor Relief (Metropolis) [36].

Report—Tramways * [54-113].

Third Reading—Marriage with a Deceased Wife's Sister * [11], and *passed.*

INDIA—DESPATCH TO MR. CARTIER—NAWAB NAZIM.—QUESTION.

MR. HAVILAND-BURKE said, he wished to ask the Under Secretary of State for India, Whether there is any objection to lay upon the Table of the House a Copy of the Despatch forwarded by the Court of Directors of the late East India Company to the Governor of Calcutta, Mr. Cartier, dated the 20th of April, 1771, as also a Copy of Mr. Cartier's Letter to which the above Despatch was a reply; and if he will inform the House of the date of the receipt by Her Majesty's Secretary of State for India of the Nawab Nazim's Memorial of the 28th July 1869, as also of the dates of the same being forwarded to and received by the Governor General of India?

MR. GRANT DUFF replied, that the despatch for which his hon. Friend asked was a very long document, dealing with almost every subject connected with the affairs of the East India Company in Bengal, as they stood in the spring of the year 1771. Nine-tenths of it could be of no interest to his hon. Friend or to the House; but there was no objection to laying on the Table that portion of it which related to the family of Mir Jaffier, if his hon. Friend would move for the extracts from the despatch in question which had reference to that subject. The Nawab Nazim's Memorial of the 28th of July, 1869, was received at the India Office on the following day, and, as a special act of favour, was forwarded to the Government of India by the Secretary of State in Council. It went by the mail of the 28th of October, that date being selected with a view to the Memorial coming into the hands of the Governor General and his Advisers when, on their return from Simla to Calcutta, they were in a position to examine the Bengal records connected with the Nawab's affairs, records which, he need hardly say, did not accompany the Government to the hill station where it passed the hot months.

MALTA—COUNCIL OF GOVERNMENT.

QUESTION.

MR. KINNAIRD said, he wished to ask the Under Secretary of State for the Colonies, Whether it is the intention of the Government to sanction the admission of "ecclesiastics" into the Council of Government at Malta; and, if so, whether he has any objection to lay upon the Table of the House a Copy of the Correspondence with reference thereto, and also a Return of the number of voters in the several districts of the island who voted for the re-admission of ecclesiastics; also of the number who abstained from voting altogether?

Mr. MONSELL replied, that the Council of the Government of Malta was constituted in 1849, and until 1857 ecclesiastics were not excluded from it. The whole of the elected Members of the Council had demanded that the old system should be reverted to, and that there should be no exclusion of ecclesiastics. On their application the question was submitted to the electors, and the demand was confirmed by 1,499 votes, against 58 negative votes. It was not the intention of the Government to refuse its sanction to that arrangement, and he should be ready to lay Copies of extracts from the Correspondence on the Table of the House.

PARLIAMENT—PALACE OF WESTMINSTER—THE CENTRAL HALL.

QUESTION.

Mr. A. SEYMOUR said, he wished to ask the First Commissioner of Works, If it be true that he has the intention of substituting any other material for Mosaic-work in carrying out the designs for the decoration of the Central Hall of the Houses of Parliament; and, if so, what materials he is prepared to substitute?

Mr. AYRTON said, in reply, that the subject of the decoration of the walls of the Houses of Parliament and the Central Hall was still under consideration, and no conclusion had yet been arrived at.

Mr. A. SEYMOUR said, he wished to know whether the right hon. Gentleman has it in contemplation to substitute any, and what, new material?

Mr. AYRTON replied, that he had it in contemplation to do that, which on full consideration, might be found to be best.

RED SEA SURVEY.—QUESTION.

Mr. GOURLEY said, he would beg to ask the First Lord of the Admiralty, What measures, if any, are being taken to procure a new and correct Survey of the Red Sea, seeing that it has been stated in one of the London daily journals that the existing Admiralty Charts are inaccurate, and therefore likely to lead to loss of life and property?

Mr. CHILDERS, in reply, said, that no member of his Department, including the Hydrographer of the Navy, had observed the statement referred to in the Question of his hon. Friend; and that up to the present time, no representation had been made to the Admiralty, that the charts of the Red Sea were incorrect. It was, however, true that the charts were of old date, and the survey made by the officers of the Government of India was not on a scale which was satisfactory for the present purposes of trade. They, therefore, proposed, during the present summer, to consider what steps should be taken for procuring an improved survey of the Gulf of Suez, which is the northern part of the Red Sea; but it would be necessary to communicate with other Powers before taking action, and he might be able, prior to the close of the Session, to state what had been done.

NATAL—THE RED RIVER.—QUESTION.

Mr. R. FOWLER said, he wished to ask the Under Secretary of State for the Colonies, Whether it is the intention of Her Majesty's Government to withdraw the troops from Natal?

Mr. MONSELL said, in reply, that there was no present intention on the part of the Government to withdraw the troops from Natal. He would take the present opportunity of asking the hon. Member to put off his Motion, which stood for that night, relative to the recent disturbances at the Red River, as it was not desirable, in the interests of the public service, that there should be a discussion at present.

Mr. R. FOWLER said, he was ready, under the circumstances stated, to postpone the Motion till the 20th of May.

ATTEMPT TO SHOOT MR. BUXTON, M.P.

QUESTION.

Colonel FRENCH: Sir, I rise for the purpose of inquiring into the correctness of the report, which has been circulated very freely through the House to-day, that the junior Member for East Surrey, Mr. Buxton, has been fired at at his own house to-day, by a person who arrived in a Hansom cab, and after firing the shot, which fortunately did not take effect, departed, after giving his name as White, and stating his residence. One report says that the man is one of the tenants of an estate purchased by Mr. Buxton in Ireland, and that having been evicted he has now committed this act upon his return from America. Another account says that the person who shot at Mr. Buxton was his private secretary. Under these circumstances I wish to ask the Home Secretary, Whether he can give the House any information on the subject?

Mr. BRUCE: Sir, the facts of the case, as I have been informed by Colonel Henderson, are these—The person who shot at Mr. Buxton—for he was shot at—is not an Irish evicted tenant, but an English shorthand-writer in Mr. Buxton's employ, whom he had just dismissed for impertinence and inattention to his duties. Mr. Buxton was engaged in writing, when he suddenly heard a shot fired. Turning round, he saw the person referred to standing at the door with a revolver in his hand and still smoking from the fire. The person immediately left the room and jumped into a cab. Mr. Buxton gave information to the police, and they are now in pursuit of the man.

ARMY—BREECH-LOADERS FOR THE VOLUNTEERS.—QUESTION.

Lord ELCHO said, he would beg to ask a question of the right hon. Gentleman the Secretary of State for War, of which he had given him private notice, Whether, as he understands there are something like 800,000 stand of arms converted of the Enfield breech-loading pattern, there is any good reason why the Militia and Volunteers should not be armed with them?

Mr. CARDWELL, in reply, said it was true that 575,000 Sniders had been converted; but there were only 300,000 in store, which was a smaller number than it was usual to keep. As to supplying the Militia with them, they had already supplied 64 regiments, and he hoped, as conversions went on, to supply a greater number with them.

Lord ELCHO said, he wished to know, as there were only about 140,000 effective Volunteers, and as the number of breech-loaders admitted to be in store was 300,000, if there was any good reason why these should not be put in the hands of Volunteers at once?

Mr. CARDWELL said, he had already stated that the number in store is smaller than it is usual to keep.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—CASE OF COLONEL BOXER.

MOTION FOR A SELECT COMMITTEE.

Mr. O'REILLY, in rising to call attention to the Paper relative to the resignation of Colonel Boxer of the office he held in the Royal Laboratory, and to move for a Select Committee to inquire into and report on all the circumstances which led to that result, said, he should make no apology for bringing the subject before the House. The interest displayed throughout the country, as expressed in the public prints, when it first became known that Colonel Boxer had been called on to resign the position he held in the public service, and the fact that the right hon. Baronet the late Secretary of State for War (Sir John Pakington), very soon after the assembling of the House, had thought it his duty to move that the Papers connected with the subject should be laid on the Table, expressing at the same time his opinion that it was desirable, and even necessary, that all the circumstances connected with the event should be known and apppeciated by the public, and, if he rightly remembered, that they should be discussed in that House, would be a sufficient apology for his proposing that the facts should receive a mature and complete investigation. He should have much preferred that the subject had been taken up by some Gentleman connected with the service, and therefore more capable of doing it justire; but he hoped his deficiencies in knowledge would be supplied by others who were more capable than he could be of doing entire justice to the question. What he proposed was, not that the House should now express an opinion on the whole subject, but that it should be carefully inquired into not only as regarded the individual, but as regarded the rule of the public service in relation to inventions and patents taken out by public servants. He would begin with a brief historical sketch. Hon. Members would recollect that, when it was first announced that Colonel Boxer had been called on to resign his position, two theories were suggested—first, that he had been obliged to resign because one Secretary for War took a different view from another of the rule as to officers in the public service with regard to patents; and, secondly, it was assiduously circulated that Colonel Boxer had taken advantage of his official position to get patents adapted to the public service, and received pecuniary advantages from those into whose hands the supply of articles required had been thrown. Now, he should be able to show that there was no truth in the latter of these statements. Who and what was Colonel Boxer? In 1854, when we were engaged in the Crimean War, we undertook the siege of Sebastopol with a siege train little different from that with which the Duke of Wellington undertook sieges in the Peninsula. It was soon found how inadequate the public Departments were to supply the required artillery and ammunition. The strain on the public Departments was immense. They failed under it; and if we finally took Sebastopol it was, as a Russian officer expressed it, by covering it with a fire resembling that of hell. In 1854 Colonel Boxer was taken into the Royal Laboratory, where he soon distinguished himself by his ability, fertility of invention, and energy in carrying out the improvements suggested. Not long afterwards he was placed at the head of that department, and every authority connected with it spoke in the highest terms of the valuable services he had rendered to the country. A memorandum of the Clerk of the Ordnance stated the exertions of Colonel Boxer to adapt the machinery of the laboratory to the supply of any amount of shell that might be required. In six months his expectations had been realized, while the saving effected in the department had been £40,000. Lord Panmure and Mr. Sidney Herbert fully and entirely recognized his great services, for which the sum of £5,000 was voted to Colonel Boxer. In 1857, during the Indian Mutiny, his exertions had been equally successful. The Enfield rifles, from the difficulty of loading them, were found almost useless, and officers declared that they would infinitely prefer the old smooth-bore. Colonel Boxer, then in the Royal Laboratory, devoted his attention to the subject, and was able effectually to remove the defects complained of. It was found that the space left between the bullets and the sides of the barrel was so small that the material, tallow, used as a lubricator, speedily clogged the rifle, and the bullets could not be got down. Colonel Boxer employed a different material, bees'-wax, as a lubricator, which was distinctly a new invention, and subsequently he reduced somewhat the size of the bullet. In 1859 he asked, not unnaturally, for some recognition of his services; but the authorities of that day seemed to consider that the small official salary which he received ought to cover not merely his official labour, but his inventions, and everything. Feeling that if he was not to receive from the public service any recognition of his inventions, he was at least entitled to a reward at the hands of private persons who might use them, he determined to protect those inventions by a patent; and whatever inconvenience such a proceeding might occasion—and he would not attempt to deny that inconvenience afterwards resulted from it—there was no rule of the service at that time in existence to prevent an officer from taking out a patent. It was in 1863 that the idea of taking out a patent first occurred to him. He considered that he was bound to give his services in the ordinary manner at the War Office; but as regarded any investigations or inquiries that he might pursue out-of-doors, he stood in the same position as a private inventor. Colonel Boxer, however, determined to inform the War Office of his intention, and accordingly wrote to the Solicitor of the Department, pointing out that inventing formed no part of the duty of the Superintendent of the Laboratory Department, all that he was called upon to do being to manufacture in accordance with certain patterns and specifications. As, however, the fuses which he proposed to patent had been manufactured some time before, and the trials to test the construction as applied to the Armstrong system of ordnance had been made at the public expense, he considered it his duty to communicate with the War Office in the first instance, pointing out that in securing his right by patent he had no intention of preventing the English Government from making use of the fuses, if they thought proper to do so. In answer to that letter, Sir Edward Lugard, by desire of Earl De Grey and Ripon, wrote to say that—

> "Without admitting your right to inventions arising out of experiments prosecuted in the Royal Arsenal, Earl De Grey sees no objection in the present instance to your obtaining a patent for the fuzes in question, upon the distinct understanding, on your part, that the fuzes are to be made for the public service free from all claim to royalty or patent-right, either from yourself or

> other the owner of the patent for the time being, and that the supply of fuzes for foreign Powers shall be such only as the Secretary of State for the time being may approve."

He had read the whole of the correspondence—he might say that he had examined it microscopically—to discover of what meanings the expressions employed were capable. It was certainly possible that an acute casuist after the event might interpret the meaning of Sir Edward Lugard's letter to be that fuses made for the public service, even outside the Royal Laboratory, and by strangers holding the patent for the time being, should also be made free from royalty or patent-right; but the plain and obvious meaning of the passage had reference simply to the fuses manufactured for the public service in the Royal Laboratory itself. Colonel Boxer's reply clearly showed the meaning to be attached to the correspondence, for he stated that he was prepared, if it were considered necessary, to grant the Government a free licence to manufacture these fuses for the British service; but that he should expect a royalty when "repayment" was made, as in the case of supplies for India. The point, however, was made clear by a legal decision in 1865, in the case of "The Queen *v.* Fellowes," to the effect that no claim for royalty could be set up by a subject against the Queen for the manufacture in the Royal establishments of any patented article. The War Office must be presumed to have had full knowledge of all the correspondence that had passed, though he did not extend that remark to the individual Secretaries of State; for one, at least, had used language that, if not contradictory, was certainly ambiguous, and declared that he not only was ignorant of what his predecessor had written, but that he did not understand it, which was probably true. In 1863, however, the War Office, as he had shown, was fully aware that Colonel Boxer had taken out a patent. In June, 1866, and in October, 1866, he took out other patents. On the 29th of March he was asked in a letter from the War Office why he had acted without informing the Department, and replied that under a recent decision the rights of the Crown could not be interfered with, and notice to the Department, therefore, became unnecessary; but that if it was desired he would give notice of such matters for the future, on the understanding that such a step would not militate against his private rights as an inventor. To that distinct claim on his part no answer whatever was given. When it transpired that the War Office were not only manufacturing these articles for themselves, but for other Departments and for the Colonies, and even, as it appeared in a later instance, for a foreign State, from whom they received payment, Colonel Boxer boldly claimed his royalty. There was a peculiar sharpness in the way that he was met. The Secretary of State for War informed him that he did not consider that a royalty ought to be charged for supplies issued to the troops in India; but that if he had a claim to make, he should address it to the Secretary of State for India. By that Department a very ingenious distinction was drawn. Colonel Boxer was informed that no infringement of his patent had been made by the India Department, and that was perfectly true, for it was the War Office that had manufactured the articles and supplied them to the India Department. Similar proceedings and similar correspondence occurred with regard to supplies which were issued to the self-governing Colonies. Colonel Boxer had also patented certain improvements in Lake's life-saving rockets, with which, as the Department concerned in the destruction, not the saving of human life, the War Office obviously had little to do. Some of these rockets, however, were furnished by the War Department to the Turkish Government, and a payment made for them through the Board of Trade. Colonel Boxer was referred upon the subject to the Board of Trade, but again failed to obtain payment. Throughout the whole of the correspondence it was evident that the War Office had been aware of the patents which Colonel Boxer had taken out, and of the assignments which he had made of them. In refusing Colonel Boxer any reward from the public money on account of his inventions, the right hon. Baronet the Member for Droitwich (Sir John Pakington), in a letter dated January 4, 1868, observed with regard to the fuses, breech-loading ammunition, and shrapnel shell for rifled ordnance—

> "You must look for reward from the royalties or other remuneration you may receive as a patentee from private manufacturers."

That was the summing up of the whole

case by the War Office, and on this, as the House would see, no restriction whatever was placed. He would at once admit that this was, to a certain extent, inconsistent with that written from the same Department on the 17th of August, 1867, in which the then Under Secretary of State for War (the Earl of Longford) said—

> "I am directed to inform you that Sir John Pakington, having given the subject his fullest consideration, regrets that he cannot consider your explanation of the circumstances satisfactory. The circumstance of the possession of a patent by a Government officer, for articles with which he is specially concerned, has been the subject of unfavourable comment in Parliament and elsewhere; and the assignment of a patent taken out by an officer in the very responsible position which you hold, to a firm which does, or may possibly at any future period, hold a contract for the supply of the articles, or any parts of them, specified in such patent, cannot fail to be a source of embarrassment, and may lead to imputations highly injurious to the public service. It is not the desire of Sir John Pakington that I should enter into all the reasons which you have assigned for the course which you have thought proper to pursue, but I am to inform you that the possession of your patents by Messrs. Eley, instead of, as stated by you, tending to reduce the cost, would be calculated to give that firm a practical monopoly of the production. In conclusion, I am desired to inform you that Sir John Pakington much regrets your proceedings in this matter, and to express his desire that you shall not for the future undertake any personal agreement with Government contractors or others with whom you may possibly be brought into communication in your official capacity."

But the proper time to have made the objection to an officer having patents was in 1863, and not in 1867. Even that communication, however, recognized what was past, and simply requested him not to enter into personal agreements for the future, while in 1868 he was informed that he was to look for his reward to the royalties which he might receive as a patentee from private manufacturers. And it was essential to remark that from that date no assignment of his patent had been made to any manufacturer by Colonel Boxer. All the assignments he had made had been made before that date, and were known to the War Office. With full knowledge of all these matters, however, the War Office appeared occasionally to have relapsed into ignorance. In 1863 the officials of the Department had been informed that Colonel Boxer had taken out patents, and that though he did not intend to claim royalty, which at that time it was supposed he intended to do, from manufactures engaged in by the Royal Departments, he should do so in case his patents were employed by private firms. Yet suddenly, on the 20th of May, 1867, the Assistant Director of the Ordnance wrote to Colonel Boxer, asking him—

> "Will you be good enough to say whether Messrs. Eley and Co. have purchased your interest in your patent for small arm cartridges, or whether you receive any royalty or other consideration from them?"

To this communication Colonel Boxer replied on the 23rd of May—

> "An absolute assignment of my patents for cartridges has been made to Messrs. Eley Brothers. These patents are, therefore, the property of this firm. The assignment was made upon the distinct understanding that it was not to interfere with the manufacture or use of my cartridges by the English Government."

That was followed by an inquiry. Evidently the theory had been suggested that Colonel Boxer, having taken out patents, was able to get the articles he had patented adopted into the service, and the manufacture of them placed in the hands of those who had purchased his patents. But as everyone in the Department knew very well, although it was not so generally known by the public at large, these articles were adopted by the Ordnance Committee, a body of which Colonel Boxer was not a member. Therefore, the charge against Colonel Boxer of securing the adoption of these articles by his recommendation fell to the ground. Now, on the 31st of May, 1867, the Director of Ordnance directed the following letter to Colonel Boxer:—

> "With reference to the Superintendent's Minute, dated the 23rd inst., in which he states that he has made an absolute assignment of his patents for cartridges to Messrs. Eley Brothers, it is requested that he will state, for the information of Sir John Pakington, whether at the time he recommended the late Secretary of State to give a contract for the supply of cartridges and cases to that firm, he had entered into arrangements for the sale of his patents to Messrs. Eley, and, if so, whether he informed General Peel of the circumstance."

And in answer to this Colonel Boxer made the following reply:—

> "1st. That the assignment of my patents for cartridges to Messrs. Eley Brothers was not made or contemplated when I recommended that a supply of portions of my cartridges should be obtained from that firm. 2nd. That the portions of the cartridges recommended to be supplied, and for which the contract was made, are not covered by my patent, as may be seen by referring to my specification and claims. 3rd. That Messrs. Eley

Brothers were recommended by me because they are by far the largest and most reliable firm in the kingdom for the supply of cartridges."

That was followed by another inquiry—

> " . . . It is requested that he will state, for Sir John Pakington's information, whether it is to be understood that he admits that neither the whole nor any part of the cartridge cases which that firm have contracted to supply are covered by his patent, and whether Messrs. Eley would be justified in increasing the price charged for these cases to the department, in consideration of any expenses incurred by them in purchasing the Superintendent's patent rights, whether by way of royalty for the use of the same or otherwise."

He might point out, for the benefit of those hon. Members who had not read this correspondence, that only three supplies of cartridge cases had been obtained on the certificate of Colonel Boxer, one for 20,000,000 from Messrs. Eley, on the 17th of July, 1866; another for 15,000,000 on the 1st of July, 1867, also from Messrs. Eley; and a third for 4,000,000 from Mr. Ludlow. To this inquiry Colonel Boxer replied on the 2nd of July, 1867:—

> "1st. That the cartridge cases which Messrs. Eley Brothers contracted for in July, 1866, are not covered by either of my patents. 2nd. That the cartridge cases for which tenders have been lately received from certain firms are covered by my patent, No. 2,658, dated 13th October, 1866. 3rd. That when my patents for cartridges were assigned to Messrs. Eley Brothers, it was not anticipated either by me or by them, that any further supply of my cartridge would be ever required by the English Government from the private trade, and no provision was therefore made for such a contingency; and, 4th, that the assignment of my patents to Messrs. Eley Brothers, so far from being calculated to increase the cost of the cartridges obtained from that firm, would tend, on the contrary, to reduce the cost, as the possession of the patents warranted them in making the necessary outlay to manufacture these cartridges cheaply, rapidly, and of the proper standard of quality."

In spite of the letter written on the 17th of August, 1867, by the Earl of Longford, in answer to this, in which Colonel Boxer was told that such conduct could not fail to be a source of embarrassment, and was calculated to lead to imputations highly injurious to the public service, he (Mr. O'Reilly) could easily conceive that the possession of a patent of this kind could, by permitting its possessor to erect sufficient machinery, enable him to supply the article at a much cheaper rate than he otherwise could do. It was evident that the War Office, represented by Lord Longford, were of opinion that the possession of the patent would enhance the cost; but they were able to test the truth of that conclusion; for it appeared that when Mr. Daw, one of the largest manufacturers, was desirous of getting a contract from the War Office, his tender—and he was a most competent judge of the cost—was very considerably higher than that of Messrs. Eley, who had paid for the patent. The practical test, therefore, whatever Lord Longford's opinion might have been, did show that the possession of the patent had not the effect of enhancing the cost. In 1869 the question was again raised when his right hon. Friend (Mr. Cardwell) was Secretary of State for War. The War Office had again apparently relapsed into ignorance, and, forgetting the information received in 1866 and 1867, the Secretary of State directed a letter to be written by Sir Henry Storks, asking Colonel Boxer whether he had received any royalty or other pecuniary consideration on account of the manufacture of Boxer cartridges by Messrs. Eley subsequently to the assignment of the patent made to them on the 10th of April, 1867. To that Colonel Boxer replied, refusing to answer the question, on the ground that it arose out of a statement made on the subject of his patents, which he regarded, and had always regarded, as his private affair. The Secretary of State, through Sir Henry Storks, said he considered it absolutely necessary that an officer in the position of Colonel Boxer should not be personally interested in the contracts made by the Department; and, therefore, he insisted on an answer to the question, and proposed the alternative of Colonel Boxer's resignation. Colonel Boxer refused to answer. Now, he would express his own opinion that Colonel Boxer was not justified in refusing; he should have answered and taken the consequences. So far he was not there to justify Colonel Boxer, and he thought his right hon. Friend justified in accepting his resignation, because here there was a question of insubordination. But whether his right hon. Friend was justified in putting the question to Colonel Boxer with regard to his patents was an entirely different thing, or in blaming him for doing that which the War Office knew he had done, and did not object to. The substantial question was, whether Colonel Boxer could or did throw into the hands of Messrs. Eley a profitable manufacture in which he had himself a special interest, and whether he could do that without the knowledge of the War Office. He found only three instances bearing on the point in question. In 1866, 20,000,000 of cartridges were ordered with which no patent was connected; in 1867, 19,000,000 were ordered in which Colonel Boxer had an interest, and as to which, as he had shown, the tender of Messrs. Eley, who had the patent and paid Colonel Boxer a royalty, was less than that of Mr. Daw, who had no patent, and that tender was made with the full knowledge of the War Office. There was only one other supply of 2,500,000 cases, which was ordered on the 11th of September, 1867, and the War Office was well acquainted with the matter. If Colonel Boxer's advice had been taken the Royal Laboratory would have been in a position to manufacture all those cartridge cases, and none would have been manufactured by Messrs. Eley, and on none would Colonel Boxer have received a royalty. The whole correspondence on the subject with the War Office, he maintained, showed that Colonel Boxer had pressed for the establishment of machinery in the Royal factory for the purpose of manufacturing their cartridges, whereby he would have obtained no profit in the shape of royalty. Could it, then, be said that he had delayed the establishment of the factory in order to throw the supplying of cartridges into the hands of Messrs. Eley, and thus himself derive a pecuniary advantage? Colonel Boxer had acted openly throughout; and he asked whether it could be shown that there was any rule or regulation of the service forbidding his having a pecuniary interest in the patents that he had been told he might take out, and for his reward for which he was to look to the royalties he might receive from private manufacturers without any limitation? The possession of that pecuniary interest, he further alleged, had been "fully recognized by Mr. Secretary Cardwell's predecessor as to his patent for a breech-loading cartridge and other inventions." The result of the official correspondence had led to the resignation of Colonel Boxer—a very distinguished officer, who had served the country well and faithfully for many years. That officer had been called upon by the Secretary of State to answer certain questions or resign, and he had refused to answer; and so far he was technically guilty of insubordination. He accepted the alternative of resignation, and his resignation was accepted. The right hon. Baronet opposite (Sir John Pakington), who himself had been Secretary of State for War, and was thus officially acquainted with the distinctions of the service, had, to his surprise, said in that House that Colonel Boxer had been dismissed the service. [Sir JOHN PAKINGTON: Hear, hear!] Having been in the House at the time himself, he thought the right hon. Baronet must have made a slip of the tongue; but the word "dismissal" was repeated in the right hon. Baronet's Notice of Motion for the production of the Papers on the subject. He hoped that the right hon. Gentleman the Secretary of State for War would distinctly state whether Colonel Boxer was dismissed or not. For himself, he maintained that he was not, and every line of the Papers showed that he was not. The distinction was not unimportant. When a man held views of his own rights that were inconsistent with those of his superiors, he was called on to yield or to resign, and, rather than yield in his views, he might choose to resign. In the Army a man was given the option of either doing a certain thing or of resigning. He might choose to resign, and his resignation might be accepted. That was one case. Another case was, that where an officer was given no option and was called upon to resign. That was compulsory resignation. An officer was ordered to sell out without any option; that was going yet a step further. Again, an officer was dismissed the service; that was still a further and a very different step. And it was the last of these distinctions that the right hon. Baronet (Sir John Pakington) applied to the present case. Well, Colonel Boxer—a man of energy, talent, and inventive genius, who had long faithfully discharged his duty—had left the public service without any reward except the opinion expressed by the right hon. Baronet (Sir John Pakington) upon his services. The War Office had, indeed, previously increased his salary by £300 a year for other inventions, and as he still had three years to serve he had foregone £900 by resigning his office. It was important for the future that it should be distinctly known whether there was or was not a rule of the service against an officer patenting any invention he might make, and they ought to be clearly told what were the position and the duty of an officer in respect to his inventions. The opinion which had been expressed on that point by the right hon. Baronet the Member for Droitwich was that an officer in the position of Colonel Boxer was not bound to produce inventions for the benefit of the public. To his (Mr· O'Reilly's) idea there was a broad distinction to be drawn between an invention and an improvement in a manufacture. An intelligent officer at the head of a manufacturing department might make improvements, and for such improvements he would have a claim, not as an inventor, but as a skilful and diligent officer; but if he made distinct inventions, beyond the scope of his manufacture, he was decidedly entitled to additional remuneration from the public. Could it be said that when the Government employed an officer they bought his whole brains? He would put the thing in the concrete. Sir William Armstrong had been employed to direct the manufacture of the old ordnance. While so employed, if he had invented the coil principle, would such an invention have been considered part of his duty? Colonel Palliser had been employed in connection with the manufacture of cast-iron projectiles. Had he invented the chilled shot while he was so employed would that have been a part of his duty? Colonel Boxer had made several distinct inventions of great value. The first and greatest invention was the total change in the lubricator and in the ammunition, which redeemed the Enfield rifle from the charge of being worse than useless in India, and had made it an effectual arm up to this day; the second was the change in the fuses; then there was the improvement in shrapnel shells, replacing of the segment shell, at first used in the Armstrong ordnance; and lastly, there were the improvements in the life-saving rockets. All these were valuable inventions, of which the public had received the benefit, and the only reward of Colonel Boxer was barren praise from one Secretary of State and enforced retirement from the public service, owing to unfounded charges having been made against him of having unjustly used his inventions for his own advantage, and because he had a mistaken idea of his duty with regard to the answering of questions. It was under these circumstances he (Mr. O'Reilly) now begged to move for a Select Committee to inquire into and report on all the circumstances which led to that result. He asked for an inquiry in order that the question might be set at rest whether Colonel Boxer had done anything unworthy of his position, or whether, having long and faithfully served the public, and given it the benefit of his inventive genius, he was not entitled, not merely to reward, but to substantial emolument

MR. W. H. GREGORY seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into and report on all the circumstances which led to the resignation of Colonel Boxer of the office he held in the Royal Laboratory,"—(*Mr. O'Reilly,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR JOHN PAKINGTON said, he made no complaint of the manner in which the hon. and gallant Gentleman (Mr. O'Reilly) had brought this subject forward. On the contrary, he willingly admitted that the hon. and gallant Member had made the best of what he was sorry to say was, in his opinion, a very bad case. But the hon. and gallant Member throughout his speech had fallen into one error from which he had not for a moment deviated. He had spoken again and again of the patents known to have been held by Colonel Boxer; but he had never said a word about the royalties received by Colonel Boxer from those to whom he had sold the patents, and which he received on a private understanding which was entirely incompatible with his duty as a servant of the Crown. He would not follow the hon. and gallant Member through the early part of his speech, in which he referred to the valuable inventions of Colonel Boxer, and the benefit the country derived from those inventions. He fully admitted, and no one could fairly deny, that Colonel Boxer had made many valuable inventions, and that the country had derived great advantage from them. Nor would he enter into that part of the hon. and gallant Member's speech in which he alluded to his refusal to recommend a grant of public money to Colonel Boxer in consideration of those inventions. That was not the question on which the House was now asked for its opinion. His reason for the refusal was on the Table of the House. He had nothing to recall. He continued to think he was right in the course he had adopted; and as the Papers on this subject were in the hands of Members, he would not allude to it further. His object now was to make a short statement in answer to the imputations of Colonel Boxer, which involved a charge that would be discreditable to him as a servant of the Crown. Among other inventions of Colonel Boxer was a cartridge which went by his name for breech-loading ammunition. He took out a patent for it, and sold it to the manufacturing house of Eley Brothers. Mr. Daw was a rival manufacturer; and in a letter written to his right hon. Friend opposite (the Secretary of State for War), in September last, he used these words—

> "Now, Sir, I have a proposition to make, but I most respectfully protest against Colonel Boxer's opinion being called for upon it, inasmuch as it is well known that Colonel Boxer is an interested person in the central-fire cartridges that bear his name, and which are now adopted in Her Majesty's service, *millions* of which have been manufactured for Government, and for which a royalty has been paid to that officer."

On receiving the letter containing that statement, his right hon. Friend took what he thought was the only proper course. He directed a letter to be written to Colonel Boxer, in which this sentence from Mr. Daw's letter was quoted to him, and he was asked for an explanation. Colonel Boxer refused to make any statement. He said he considered the whole question of these patents to be entirely of a private nature; and further, that he was justified in what he had done by a letter which he had received from him (Sir John Pakington) in January, 1868, and which contained this statement—

> "While the other inventions you have enumerated — viz., your fuzes, breech-loading ammunition, and Shrapnel shell for rifled ordnance, having been patented by you, you must, he considers, look for reward from the royalties or other remuneration you may receive as a patentee from private manufacturers."

In the first place, he denied that he ever gave those instructions to Colonel Boxer; and, secondly, he denied that, if he ever had given those instructions, they would have afforded Colonel Boxer the slightest justification for the course he had adopted with regard to his inventions. He at once raised those two issues. After some correspondence his right hon. Friend opposite very properly called on Colonel Boxer to resign his appointment. He did resign it, and in the very same letter in which he resigned he distinctly confessed that he had done what Mr. Daw charged him with doing. In that letter he gave what he called his explanation, of which these statements were a portion—

> "2nd. That when these patents were assigned and became the property of Messrs. Eley Brothers, a private agreement was entered into between myself and that firm, which gave me a pecuniary interest in the working of the patents.
>
> "3rd. That the private agreement which gives me a pecuniary interest in my patents for cartridges is still in force."

He must now ask the attention of the House to the facts as they related to himself. In July, 1866, shortly after the late Government took Office, and when General Peel was Secretary of State for War, it was found that the War Office required cartridges of the kind which Colonel Boxer had invented, and Colonel Boxer recommended to General Peel that Messrs. Eley should be applied to for them. An application was made to them for 20,000,000 cartridges, which were supplied. In the spring of 1867, he (Sir John Pakington) succeeded to the office of Secretary of State for War, and very soon afterwards, early in May, it was found that a further supply of those cartridges was required. He called for tenders. Four were sent in; but Colonel Boxer, who was employed to inspect all such goods when they were sent in, and on whose advice the Secretary of State for War always acted, stated that of the four persons who tendered two could not be trusted, and he recommended that the Messrs. Eley and Mr. Ludlow should be employed.

Mr. O'REILLY said, he believed that one tender, that of Messrs. Kynoch and Co., was rejected as being inadequate, and another because it was higher in price than the other two.

Sir JOHN PAKINGTON said, he spoke from Colonel Boxer's words which were before him. They were these—

> "Messrs. Eley Brothers and Mr. Ludlow are the only firms which have the necessary means and experience to make these cartridge cases."

He hoped the hon. Member was satisfied. [Mr. O'Reilly said, he was.] In consequence of that recommendation, Colonel Boxer was intrusted to employ those parties and he did so, but in what proportions? He employed Messrs. Eley to make 15,000,000 more cartridges; but for some reason, which he (Sir John Pakington) did not know, Mr. Ludlow received an order for only 4,000,000. The third large transaction was in September, 1867, when, on the recommendation of Colonel Boxer, and without competition, Messrs. Eley were employed to make 2,500,000 more cartridges, so that between July, 1866, and September, 1867, that firm was, on the recommendation of Colonel Boxer, employed to make 37,500,000 cartridges, which cost the country upwards of £75,000. They had now had the confession of Colonel Boxer that he had a pecuniary interest in that large amount of money, though to what extent he (Sir John Pakington) did not know, and probably never should, though it was clear that Colonel Boxer must have made a very large sum of money by his employment of Messrs. Eley, with whom he had a secret understanding, which was not known either to General Peel, to himself (Sir John Pakington), or to his right hon. Friend opposite (the Secretary of State for War). The hon. and gallant Member had stated that when General Peel ordered the 20,000,000 of cartridges the patents had not been assigned to Messrs. Eley. That was quite true; but he ventured to refer the House to Colonel Boxer's confession. In his letter of the 22nd of November, resigning his office, Colonel Boxer made this explanation—

> "An absolute assignment of my patents for cartridges was made to Messrs. Eley Brothers, with the sole purpose of enabling that firm (which had by previous agreement the exclusive licence from me) to work the patents."

So that, although it was clear that, at the time General Peel gave the order, the patents had not been sold to Messrs. Eley, there could not be much doubt in any dispassionate mind that there was then, as afterwards, a pecuniary arrangement between Colonel Boxer and the firm. April, 1867, was the date at which the patents were sold to Messrs. Eley, and in the beginning of May of that year he (Sir John Pakington) received a letter from Mr. Daw, who said—

> "An order for 1,000 cartridges, value £2 15*s.*, apparently for experimental purposes only, has been given to me, whilst it would now appear, from the refusal of the Director of Contracts to furnish information, that a contract of a private nature has been executed with Colonel Boxer's agents to supply some millions of cartridges or cases."

In May, 1867, therefore, he (Sir John Pakington) found himself in exactly the same position as that in which his right hon. Friend was placed last autumn, and he then took precisely the same course as that which had been adopted by his right hon. Friend. He immediately ordered that Colonel Boxer should be asked whether the charge made against him was true, that he had a money interest in the orders which had been given; because neither General Peel nor he had suspected that any underhand arrangement existed. He, therefore, addressed the following letter to Colonel Boxer:—

> "Will you be good enough to say whether Messrs. Eley and Co. have purchased your interest in your patent for small arm cartridges, or whether you receive any royalty or other consideration from them?"

He begged the attention of the House to this, which was the most painful part of the matter—a part so painful that he could not help expressing some surprise that the hon. and gallant Member had thought it to the interest of Colonel Boxer to compel him (Sir John Pakington) to make this statement. What was the answer he received? It was in these words—

> "May 23, 1867.
>
> "Director of Ordnance,—An absolute assignment of my patents for cartridges has been made to Messrs. Eley Brothers. These patents are, therefore, the property of this firm. The assignment was made upon the distinct understanding that it was not to interfere with the manufacture or use of my cartridges by the English Government."

He was dealing with a Colonel of the Royal Artillery, with one who was classed as an officer and a gentleman, who held a high position in a Government Department; and he could not suppose it possible that such a man would attempt to practise upon him what he could only describe as a gross deception—for if it was not the *suggestio falsi* it was the *suppressio veri.* He was not ashamed to state to the House that he was deceived. Considering the man with whom he was dealing he accepted the statement and believed it; and he could not help thinking that every Gentleman on either side of the House would agree with him, that if, after having received such an answer, he had written to Colonel Boxer and said—"You have not given a specific reply to my question—Do you receive a royalty, or any other consideration?" he should have been offering to that officer a decided insult. That was the view he took, and he asked the House whether they could have believed it possible, after such a reply, that Colonel Boxer had made a private agreement, which was in force and gave him a direct pecuniary interest in the working of the patent? He accepted, and he could not do otherwise than accept, the assurance of an officer of the Royal Artillery that he had absolutely assigned his patents to the Messrs. Eley; but there was this unpleasant circumstance, that it was admitted the patent had been sold for a considerable sum of money to a firm which was then supplying the Government with the *matériel* of war; and he confessed he had fear whether there was not danger of public scandal, and whether there was not considerable public inconvenience in allowing such a relation to exist between an officer in the confidence of the Government and a manufacturing firm. Some further correspondence consequently took place, and on the 17th of August he wrote the letter to which the hon. and gallant Member had referred, and to which he must beg leave to refer again. That letter was founded upon dissatisfaction with the nature of the relation which, upon Colonel Boxer's admission, still existed between him and the Messrs. Eley; and there were two sentences in the letter he wished to read. The first was—

> "The circumstance of the possession of a patent by a Government officer, for articles with which he is specially concerned, has been the subject of unfavourable comment in Parliament and elsewhere; and the assignment of a patent taken out by an officer in the very responsible position which you hold, to a firm which does, or may possibly at any future period, hold a contract for the supply of the articles, or any parts of them, specified in such patent, cannot fail to be a source of embarrassment, and may lead to imputations highly injurious to the public service."

The last paragraph of the letter was as follows:—

> "In conclusion, I am desired to inform you that Sir John Pakington much regrets your proceedings in this matter, and to express his desire that you shall not for the future undertake any personal agreement with Government contractors or others with whom you may possibly be brought into communication in your official capacity."

He intended this to be a distinct prohibition of any such relation as that which, without his knowledge, existed between Colonel Boxer and the Messrs. Eley. The hon. and gallant Member said there was no concealment. Why, there was the most profound concealment, the most absolute secresy from beginning to end of this somewhat scandalous transaction. This passage of the letter, which he intended to be, and which, in his opinion, was an absolute prohibition against this transaction, had been spoken of by the hon. and gallant Member as a direction for the future and a recognition of the past. Recognition of the past! What was the past? It consisted of Colonel Boxer having, from time to time, recommended this house for these large transactions, and then giving him an assurance upon which, as between gentlemen, he relied implicitly, that there was no improper communication between Colonel Boxer and the firm. After writing this letter, which he thought was conclusive, he spared no means to place the matter upon a proper footing; for, notwithstanding the assurance he had received, and the letter to which he had just adverted, he thought it right and prudent to direct inquiries to be made at the Patent Office whether there was any record of the assignment to the Messrs. Eley. It was found there was a statement showing that £2,000 had been paid for the patent; but there was not a single word to be found in the Patent Office with regard to any reservation of royalty or any other consideration. This reference to the Patent Office therefore strengthened his erroneous impression that he knew the whole truth. He confessed, nevertheless, that he thought the relation between the parties of so doubtful a complexion that he hesitated very much at the time whether he ought to permit Colonel Boxer to continue in the office he then held; and he had no hesitation in saying if he had been aware then of that which he knew now he should have held it to be his duty to dismiss Colonel Boxer; and, further, he very much doubted whether he should not also have thought it his duty to bring the whole subject under the consideration of the Field-Marshal Commanding-in-Chief, with a view to ascertaining whether the conduct of Colonel Boxer was consistent with his position as a Colonel in the Army. It was with feelings of doubt he permitted Colonel Boxer to remain in the office he held. The hon. and gallant Gentleman opposite had naturally referred, as Colonel Boxer had done over and over again, to a passage in a letter of his of January, 1868, as an alleged justification of the course Colonel Boxer took; and he begged the attention of the House to the circumstances connected with that letter. In the year 1867, Colonel Boxer applied to him to recommend Parliament to make him a large grant of money in consideration of his valuable invention. At that time he knew nothing against Colonel Boxer, was fully aware of the value of the invention, and he seriously considered whether Colonel Boxer was not entitled to a special reward in the shape of a Parliamentary Grant; but after giving the matter the most deliberate attention, in conjunction with his colleagues of the War Office, he determined that Colonel Boxer was not entitled to be recommended for a special reward in money. The letter of January, 1868, was written to inform Colonel Boxer of this decision not to recommend him for a special reward, and it was, therefore, a letter to which he attached considerable importance. In accordance with his custom in such cases he drew up the Minute upon which the letter was to be founded, and a copy of that Minute, in his own handwriting, might now be found in the War Office, and might be referred to by anyone to whom the right hon. Gentleman the Secretary of State would allow it to be shown. In that Minute there was not a word relating to royalty or other remuneration, to patentee or private manufacturer; in short, there was in the Minute no portion of the passage upon which Colonel Boxer relied for his defence. That being so, it was obvious that the gentleman in the War Office who was intrusted with the writing of the letter must have introduced the words named without proper authority. He did not wish to speak in anger or asperity of the gentleman by whom the mistake was made; he was sure it was done without any bad intention; and he should be ungrateful if he were not to do the most ample justice to the zealous assistance which he always received from the War Office Staff. But the words inserted in the letter were never authorized by himself; and he hoped the reference to the Minute would convince the House that he did not give any such instructions. On the other hand, he was equally bound in candour to admit that Colonel Boxer received the letter with these words in it; that Colonel Boxer could have no knowledge that they were not duly authorized, and that he was, therefore, fully entitled to any benefit he could derive from the fact that the letter bore these words on the face of it. He now came to the second question—what were those words? Did they justify Colonel Boxer in receiving the royalty? He contended that they did not, and any Gentleman would see they did not who would consent to draw a distinction between a Government contractor and a private manufacturer. No doubt, Colonel Boxer, with a patent in his possession, was entitled to go to the private trade; there was nothing to prevent his deriving whatever advantage he could from it in that way. But, on the 17th of August, he had written to Colonel Boxer—

> "You shall not for the future undertake any personal agreement with Government contractors or others with whom you may possibly be brought into communication in your official capacity."

And, on the 4th of January, he wrote to Colonel Boxer—

> "You must, he considers, look for reward from the royalties or other remuneration you may receive as patentee from private manufacturers."

Bearing in mind the distinction between Government contractors and private manufacturers, these sentences removed every pretext from Colonel Boxer for supposing that he was authorized to do what he did. What was Colonel Boxer's own view at the time? In answer to that very letter, Colonel Boxer said—

> "If, in the opinion of the Secretary of State, it was objectionable for an officer in my position to take out a patent, or if, in the event of my doing so, it was intended to refuse me a pecuniary reward, I ought, in common fairness, to have been at once informed accordingly; for, in the case of war matêriel, which is not used except in the Naval and Military Services, the advantage likely to be derived from the private trade is very small,

> as compared with what I had a right to expect from the Government."

It was, therefore, clear that Colonel Boxer drew the distinction that from the nature of the articles much profit was not to be derived from the private trade. Colonel Boxer also referred to the instructions of Earl De Grey in 1863, that the fuses "are to be made for the public service free from all claim to royalty or patent-right." However, on his own showing, Colonel Boxer was receiving a royalty after Earl De Grey's prohibition, and after his (Sir John Pakington's) prohibition in May, 1867, and his strong letter in August following. Could he have been supposed by a man of the intelligence of Colonel Boxer to have been seriously desiring him to do in January, 1868 that which he had prohibited him from doing in the previous August? Such a supposition must appear to anyone considering the whole case perfectly ridiculous. He could only imagine that Colonel Boxer, having been found out, resorted to that supposed passage as the readiest excuse which he could find. It appeared from the following passage, in the last letter written by Sir Henry Storks to Colonel Boxer, that his right hon. Friend, now at the head of the War Department, took the same view of the case as he had done:—

> "It did not appear to Mr. Cardwell that this letter, taken in connection with the previous correspondence, warranted him or his predecessor in supposing that Mr. Daw's statement as to your receiving payment on the supplies furnished to this department was correct. Indeed, his expectation, in communicating this statement to you, was that you would have been able to take the opportunity of contradicting it."

Under these circumstances, he earnestly hoped that hon. Gentlemen on both sides of the House would come to the conclusion that there was nothing in his conduct inconsistent with his duty to the Crown, or his character as a minister.

Mr. WHITWELL said, he was glad that the subject had been brought before the House, for it was one on which a distinct and emphatic opinion should be pronounced by the House, and no Ministers would be able to economize the expenditure of the country unless the conduct of the War Department in this instance received a decided approval. He spoke as a commercial man, and, according to his view, the letters commencing the correspondence, and which had not been read, made out a far stronger case even than that which had been presented by the right hon. Baronet (Sir John Pakington). Colonel Boxer's letter to the Director of Ordnance, dated the 21st of July, 1866, was clearly intended to show that he resigned absolutely his entire right to the patents, without reservation of royalty or any ulterior consideration. In that letter Colonel Boxer stated—

> "As far as I can judge at present we should be quite unable to supply ammunition for the *extra* 100,000 arms, as we have as yet little experience of the manufacture of the description of cartridge required. I will take immediate steps to ascertain whether a supply of ammunition can be obtained from the trade."

Of course "from the trade" meant open competition; but on the 27th of July Colonel Boxer recommended that the offer of Messrs. Eley and Co. to supply 20,000,000 cases should be accepted, as it was fair and reasonable. Was not the recommendation of Eley and Co. really the recommendation of Eley, Boxer, and Co.? [Mr. O'Reilly: No!] Well, if Colonel Boxer was not a partner in the firm when the correspondence began, but afterwards became a sleeping partner, and carried on the same transaction, then the case was stronger. What would be thought if a person connected with the clothing department of the War Office became a sleeping partner in a Leeds establishment, and secretly took a profit on the goods supplied by that establishment to the War Department? Colonel Boxer seemed to have entertained the idea that he was entitled to extra remuneration; but it must be remembered that he had the whole use of the Laboratory, and all the advantages for information which his office afforded him. He believed that the conduct both of the late and of the present Secretary of State for War was just what it ought to have been under the circumstances.

Mr. CARDWELL: Sir, regarding the present Motion in the light of an attack on the Department over which my right hon. Friend opposite (Sir John Pakington) presided, and over which I now have the honour to preside, I shall certainly offer it an uncompromising opposition; for I consider that our conduct has not been such as to be a fit subject for impeachment or inquiry, and I do not think that the House will fail to give its support to those who have endeavoured to discharge their duty to the public in a most efficient manner. With regard to myself, the part I took in the matter was a small one. As soon as I received the letter written to me by Mr. Daw—which called my attention to the fact—I should like to quote his own words—he said—

> "It is well known that Colonel Boxer is an interested person in the central fire cartridges that bear his name, and which are now adopted in Her Majesty's service, *millions* of which have been manufactured for Government, and for which a royalty has been paid to that officer."

As soon as that knowledge came to me, I felt there was but one course for me to pursue, and that course was to call on the gallant officer to state if it was the case, and to have his explanation upon it. The gallant officer elected to say—

> "I beg most respectfully to express my objection to answer any questions which arise out of statements made by Mr. Daw upon the subject of my patents, which I regard, and shall always regard, as a private matter, and which is indeed distinctly admitted to be so by the Secretary of State for War in War Office Letter dated January 4, 1868."

And he then quotes the letter my right hon. Friend has referred to as follows:—

> "While the other inventions you have enumerated — viz., your fuzes, breech-loading rifle ammunition, and Shrapnel shell for rifle ordnance—having been patented by you, you must, he considers, look for reward from the royalties or other remuneration you may receive as a patentee from private manufacturers."

Now, my right hon. Friend appeals to me to confirm the statement he made that these expressions were not contained in the memorandum as written by him at the War Office, and undoubtedly that is the case. I had no alternative, it appeared to me, but, in the first place, to insist on an answer; and, secondly, to lay down the principle I did lay down and adhere to it. I therefore consider that no charge is brought against the conduct of the Department so far as I am concerned, for my hon. Friend who brought forward the Motion admitted that, in point of discipline, I was called upon to require an answer, and that, in point of principle, the principle I laid down was the only one on which the public service can possibly be conducted. My right hon. Friend also appealed to me on another point, and that is whether I understood that he acted under the same impression as myself. Now, certainly, as I stated in my letter on Page 25, I gave the most careful attention to the whole of the correspondence, and I will acknowledge, with perfect frankness, that I was a good deal perplexed by the passage which I have just quoted about the royalties. It was not so clear to me as my right hon. Friend thinks it is clear what the meaning of that passage was. I thought it a perplexing passage; but I am bound to repeat, in the plainest terms, what I stated in my letter—that I had no doubt the impression of my predecessor in Office was the same as my own—namely, that the assignment of the patent—I believe in April, 1867, was made for a sum down, and did not involve the continuance of any royalties or subsisting engagements between the parties. And that is very important, because, as I stated also, the person who fills the office of Superintendent of the Royal Laboratory is one to whom the Secretary of State has a right to be able to have recourse in advising with regard to the patterns of articles manufactured in the Laboratory. My hon. Friend who brought forward this Motion thinks that is no part of his duty; but it is his duty to be an independent officer, capable of giving important and valuable advice to his superiors and the Secretary of State on that subject. It is his duty to report upon contracts and inspect supplies received from contractors; and I do hold that he should be free from any pecuniary interest connected therewith. I have not the least doubt that my right hon. Friend believed that the payment of the sum of money for the patent was a payment for past transactions, and that there were no continuing royalties. I did not, however, feel that the correspondence was so clear as I should wish it to have been. What I have to say is this—I feel no doubt as to the course I ought to pursue. It appears not the slightest blame rests on my right hon. Friend for the course he pursued. Therefore, speaking in the interest of the War Office, I shall not be prepared to consent to a Committee involving in the slightest degree any imputation on my predecessor any more than upon myself; but with regard to the case as it stands on the debate, I must appeal to my hon. Friend who made the Motion, and in whose hands is the honour of Colonel Boxer, to state to the House what is the view he now takes with regard to the appointment of a Committee on the subject.

Mr. W. H. GREGORY said, he wished, before the debate closed, to call attention to one point which had not been cleared up by his right hon. Friend the Secretary of State for War, and which appeared to be one of the most extraordinary circumstances which had come under the notice of the House for a considerable time. He alluded to the *precis* of the letter which the right hon. Baronet (Sir John Pakington) had ordered to be written on the 4th of January, 1868. The right hon. Baronet said that he carefully prepared the memorandum; and what he (Mr. W. H. Gregory) wished to know was, whether the right hon. Gentleman the Secretary of State for War had made an inquiry as to how the passage about royalties, which the right hon. Gentleman declared was never written by him, had crept into the letter? This was a most important point. It was the cardinal point on which Colonel Boxer's case turned, and he was not surprised, therefore, at the stress which the Mover had put on it. The interpolated passage was directly contradictory to the whole spirit of the memorandum, and he thought they should have some explanation from his right hon. Friend as to whether he had made inquiries how the passage had been interpolated. It was a distinct admission of a principle of the most dangerous kind. If his right hon. Friend had not made inquiries, he ought still to do so, and let the House have further explanation on the subject.

Major ANSON said, he would call attention to the long letter, dated January 11, 1868, which Colonel Boxer had written to the War Office relative to his patents, the complaints he made against the War Office, and the directions he had received from that office with regard to his patent rights and inventions. He said—

> "I am informed by your letter that I 'must look for reward from the royalties or other remuneration I may receive as a patentee from private manufacturers.' As regards this point, I beg to draw the especial attention of the Secretary of State to the instructions I have received from the War Office relative to this matter."

He went on to call attention to the War Office Letters of the 20th November, 1863, and August 17, 1867, and he wound up by saying—

> "These instructions practically amount to this—that I am to make no arrangements at all with the private manufacturers to work my patents. But I am now told that I must look for reward from the royalties or other remunerations I may receive as a patentee from private manufacturers."

In a letter, dated March 5, 1868, the Director General of Ordnance acknowledged the receipt of this letter, and stated that he had laid it before the Secretary of State. Therefore, the right hon. Baronet having these words before him, and making no remark upon them, committed himself to the statement. He was sorry his right hon. Friend the Secretary of State for War declined to sanction the appointment of this Committee, for the whole manufacturing department was in an unsatisfactory state, as he had shown two years ago. The right hon. Baronet the Member for Droitwich (Sir John Pakington) had taken a very different line that evening from what he did three years ago, when he was endeavouring to impress on the right hon. Baronet that the practice of giving large rewards to the heads of Departments was as objectionable as allowing them to take out patents. At that time the Secretary of State for War was most indignant with him for making serious charges against high officials, and insisted that he should move in the House of Commons for a Select Committee, before whom these charges would be investigated. The right hon. Baronet would not investigate these charges himself in the War Office, but insisted that a Committee should be moved for; and when this was done, did not rest until he had secured the presence upon the Committee of one of the ablest lawyers in the House to oppose the charges when brought forward. This, therefore, was a precedent for referring the matter now under discussion to a Committee of the House of Commons. As far as Colonel Boxer was concerned, he had nothing to say in his defence. Nobody had more strongly denounced than he himself had done the system of patents; but he thought the War Office at least as much to blame as Colonel Boxer, for, in one way or other, they knew of the existence of those patents, recognized the rights of persons in his position to take out patents, and therefore the question was one of degree. It would certainly be for the good of the service, as well as for the satisfaction of the public, that the matter, having been raised, should now be thoroughly investigated; accordingly, he hoped his hon.

and gallant Friend (Mr. O'Reilly) would press his Motion to a Division.

MR. O'REILLY said, he adhered to the sense in which he had originally proposed his Motion; he thought the whole subject well worthy of inquiry.

MR. GLADSTONE said, his hon. and gallant Friend was the best interpreter of his own Motion; but if his object was to make of it a foundation for pursuing an inquiry generally into the principles upon which the War Office had acted and was acting, the Government could not consent to any such proposal.

Amendment, by leave, *withdrawn.*

IRELAND—MAGISTERIAL APPOINTMENTS—LEITRIM COUNTY.

MOTION FOR PAPERS.

VISCOUNT CRICHTON, in rising to call attention to recent magisterial appointments in the county of Leitrim, and to move for Papers, said, he should make no objection to these appointments on the score of religion, which he hoped would never be a matter brought into question on appointments of this kind, or upon the ground that a man might at some time or other have followed a humble trade or occupation. On the contrary, men who had raised themselves by their intelligence, industry, and ability, frequently made the best and most energetic magistrates. But he did object to men being selected as magistrates because of their religion, or whose social position or occupation was such that they could not inspire in the people among whom they lived that confidence in the administration of the law which was essential. The first two appointments to which he felt it necessary to call attention were those of Mr. Nathaniel Maguire and Mr. Francis M'Keon, made in December last. Mr. Maguire rented a farm valued at £103 15*s.* a year; he had no fee-simple property whatever in Leitrim, and there was no necessity for an additional magistrate in the district, as there were already three or four living near, and all within a radius of four miles. There was no objection to Mr. Maguire personally; he was a member of an old family, and he had a fee-simple property in an adjoining county worth £400 a year. The next appointment, however, was one of a very different nature. Mr. Francis M'Keon, no doubt, was a highly respectable man in his line of life, but hardly the proper person to intrust with magisterial functions. He lived in Drumshambo, where he rented the Market Place, with two or three small houses in the village, and two small farms in the neighbourhood, raising his rating to £134 10*s.* a year. He had no fee-simple property whatever in the county. He was originally a rag and feather merchant, and one of his nearest relatives kept a public-house in Drumshambo, and was succeeded by his two sons, who became bankrupt. The special objection to this man as a magistrate was that he rented the Market House, and as weigh-master was bound by his lease personally to superintend the crane. He might, therefore, be seen on Bench days, previous to the assembling of the magistrates, weighing lumps of butter and other articles for the country people, receiving coppers in payment from their hands, and issuing in return tickets, with the name "Francis M'Keon, weigh-master," attached. The fact that all the arrangements of the Market House, and any complaints connected therewith, came under the cognizance of the magistrates, made his appointment to the Bench one especially to be deprecated. It was accordingly not to be wondered at that the other magistrates had declined to act with him, the result being that the administration of justice in that part of the county had fallen exclusively into this man's hands. The noble Lord proceeded to refer to the appointment of Mr. Bernard Maguire who, he said, was a tenant-farmer paying £28 a year rent, holding a farm valued at £48 10*s.* That was his whole *locus standi* in the county. Mr. Bernard Maguire was not only a law-giver, but a law-breaker, having within the last 12 years been brought before the quarter or petty sessions no fewer than five times, besides civil bill actions. Under these circumstances, it was hardly to be wondered at that the local magistracy were very indignant at these appointments, and that a memorial had been signed by 30 or 40 of the resident magistrates, protesting against the studied insult which had been offered them. The Government, it was true, were not directly responsible for the qualifications or for the persons recommended for the commission of the peace. The person who was supposed to inquire into their qualifications and antecedents was the Lord Lieutenant of the county, and he believed it was impossible to acquit the Lord Lieutenant of Leitrim either of culpable negligence or of a desire to degrade the Bench by placing such men upon it. The Lord Lieutenant of Leitrim was the Earl of Granard, whose name had more than once been mentioned in that House and in public, and it would, in his opinion, be better if that noble Lord, instead of airing his Vinegar Hill reminiscences, were to remain at home and perform the duties imposed upon him by the office which he held. He trusted that the House would receive an assurance that the most objectionable of these appointments would not be made if only in contemplation, and if made would be revoked. The noble Lord concluded by moving for the Papers referred to.

Colonel STUART KNOX seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of the Correspondence between the Lord Chancellor of Ireland and the Lieutenant of the county of Leitrim, relative to the appointment of Messrs. Nathaniel Maguire, Francis M'Keon, and Bernard Maguire to the commission of the peace; with Copies of their qualifications, and the Memorial respecting these appointments presented to the Lord Chancellor by a deputation of Magistrates from the said county,"—(*Viscount Crichton,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. BRADY said, that as Member for the county of Leitrim, and having personal knowledge of the parties spoken of, he wished to say a few words in defence of Mr. Bernard Maguire. The hon. Member then explained the charges on which Mr. Bernard Maguire had been brought before the magistrates, and testified that he was a most respectable man, holding a good position in society. As to the charge which the noble Lord had brought against Mr. M'Keon — he had accused Mr. M'Keon of having no property in the county — of his being a weigh-master of butter and corn, and of his still officiating in that capacity. Now, the fact was that he never did so officiate, and for the last 10 years he had not been connected with trade. Mr. M'Keon had formerly amassed considerable property, and was now living in independence. He took a lease of land from the Earl of Belmore for 999 years at a rental of £4 a year, on which he had built a market for the benefit of the town, with stores and weighing machines, at an expense of some £4,000. These were his own; and no doubt in the official papers certifying the weight of various articles, his name appeared as the weigh-master; but that did not imply, and it was not the fact, that he weighed these articles with his own hands. For 20 years he had acted as a grand juror at the sessions, as a guardian of the poor, as secretary of the Medical Relief Committee, and in other offices, and he had always discharged his public duties to the satisfaction and benefit of the community amongst whom he acted. It was said that he had no stake in the county. But in that very county there were nine magistrates who had not a particle of property in the county except as the agents of other men. The charges, therefore, which the noble Lord had brought forward reflected no great credit on him. He (Mr. Brady) was convinced that, in spite of the charges which the noble Lord had brought forward, the duties which those gentlemen had to fulfil would be performed to the entire satisfaction of the people of Leitrim, and believed that it would cause great discontent in the county if Mr. M'Keon, through the interference of the noble Lord, were to be deprived of the office to which he had been appointed.

Mr. SHERLOCK said, that until he heard the statement of the hon. Member for Leitrim (Mr. Brady), he was very much struck with the speech of the noble Lord (Viscount Crichton). With regard, however, to one of the gentlemen, Mr. Nathaniel Maguire, it appeared that the noble Lord withdrew his charges; and as to Mr. Bernard Maguire, the matters which the noble Lord referred to might be capable of explanation. As for Mr. M'Keon, no charge whatever had been brought against him, except that he had risen from a humble position in life. He thought that this system of bringing forward charges against individuals without giving them an opportunity of knowing what they were would work great injustice. He believed the resident gentry in Leitrim were very few. If an investigation were to be instituted into magisterial appointments in Ireland generally, it would be found that agents who had no property, but who merely represented other persons, were chosen for the commission of the peace far more frequently than men who possessed property. The Lords Lieutenants of counties, with whom the recommendation rested, though they might exercise all the discretion in their power, were in many instances quite unfit to determine dispassionately who ought to be appointed.

Mr. CHICHESTER FORTESCUE said, he was glad that his noble Friend (Viscount Crichton) did not oblige him to defend the Government or the Lord Chancellor. He would state the facts of the case as they had been furnished to him by the Lord Chancellor. He was glad that the noble Lord had withdrawn his charge of unfitness with regard to one of the gentlemen, Mr. Nathaniel Maguire; but he had not withdrawn that gentleman's name from the Motion, and if the Motion was to be agreed to it was only right that that should be done. The facts were, as he had been assured by the Lord Chancellor, that Mr. Nathaniel Maguire was a man of substance, in the enjoyment of a property, a considerable portion of it freehold, of nearly £1,000 a year, in a good position, and a near relative of a gentleman who filled the office of High Sheriff of Fermanagh. He was a man highly respected, and, moreover, his appointment was not only expedient, but almost necessary, in the district where he lived. It was, therefore, greatly to be regretted that any charge had been brought against Lord Granard on account of that gentleman's appointment. As to Mr. M'Keon, the Lord Chancellor had found many of the statements made by the deputation to the Commissioners of the Great Seal in his absence directly contradicted on good authority. Mr. M'Keon was represented as a man of substance and intelligence, who commanded the respect of his neighbours. It did appear that, being the owner of a considerable part of the town in which he lived, and enjoying the appointment of weigh-master, he had acted as weigh-master in person. There seemed to be no doubt of that fact. [Mr. Brady expressed dissent.] Well, he was not quite clear about it. The Lord Chancellor had informed him that he had found so many irreconcilable statements as to the social position of Mr. M'Keon that he was not perfectly satisfied on the point; he had taken steps to make further inquiry, and upon the result he would make up his mind and communicate the conclusion he had come to to the Lieutenant of the county. With respect to the other gentleman, the Lord Chancellor stated that he was informed by Lord Granard that he had been very much misled by the representations, or want of representations, which had induced him to recommend Mr. Bernard Maguire for the commission of the peace, and both the Lieutenant of the county, who in this case did not inform himself about the position and antecedents of the person as carefully as would be desirable, and the Lord Chancellor were agreed that if the facts of the case had been known Mr. Bernard Maguire would not have been placed in the commission of the peace. Mr. Bernard Maguire, however, had resigned the commission. Such being the state in which the question stood, he would ask his noble Friend not to press his Motion, if only for the reason that the Lord Chancellor was making further inquiries, and when they should be concluded he would be happy to lay the Papers on the Table of the House.

After a few observations from Dr. Ball and Sir John Esmonde—

Amendment, by leave, *withdrawn.*

BUSINESS OF THE HOUSE—EDUCATION BILL.—OBSERVATIONS.

Sir LAWRENCE PALK, who had given Notice to call attention to the state of public measures affecting England, said, he was aware the Bill that had so long occupied the attention of the House was one of the first importance. At the same time there were other measures of very great importance which should not entirely be overlooked, and the requirements of England ought to receive some attention as well as those of Ireland. Since the meeting of Parliament they had scarcely discussed one subject that was not directly or indirectly Irish; while the interests of England and Scotland had been, to use a common phrase, "shunted," to make room for Irish matters. The Queen's Speech at the opening of the Session contained this passage—

> "We are further directed by Her Majesty to state that many other subjects of public importance appear to demand your care; and among those especially to inform you that a Bill has been prepared for the enlargement, on a comprehensive scale, of the means of National Education."

The importance of the question of national education no one would deny. They had had debates on various occasions on that very topic; and the Government had so far redeemed the pledge they gave at the commencement of the Session by laying on the Table a measure on that subject, which he thought he was not wrong in describing as most satisfactory to all the different religious bodies in the kingdom. It was also a measure that had received the support of both sides of the House; and he did not know why so important a measure should be entirely shelved for the sake of Ireland. The question of education, as it now stood, might, he thought, be very easily settled. He was aware it was said there was a religious difficulty in the way; but he did not believe, when they came to face that difficulty, it would be found anything like so great as some had assumed. He, for one, should be extremely glad to hear the arguments that might be offered in favour of irreligious education, or education without religion; but he confessed that he held such a system to be an impossibility, and that those arguments, however ably urged, must signally fail. From the way in which the measure had been, from time to time, postponed, there was a great feeling arising in the country that the Government was not sincere in its intention to deal with national education—a great suspicion that the Amendments the Government proposed to lay on the Table would not carry out fairly and honestly the principle it announced when it introduced its Bill. On the other hand, there was a small, but extremely vigorous section who were anxious to make the question of education the stalking-horse of battle against the Established Church of England. It was, therefore, most desirable that an answer should be given on these points. First, would the Government proceed with the Education Bill this Session? Secondly, would they lay on the Table the Amendments they proposed to make in the Bill, so that they might be fairly discussed in all the various parishes they would affect, and that the opinion of the public might be obtained as to whether they would or would not be consonant with the principle which the vast majority in England and Scotland were determined to maintain—namely, that religion should be taught in the schools assisted by the State? He hoped he had placed the matter on a clear footing. The information he ventured to ask from the First Lord of the Treasury could, he thought, hardly be refused. The right hon. Gentleman could not deny that the question of education, at all events, was to England as interesting as the vast Bill on Irish land tenures; and if he would deal with the great question of education, he would not find placed in his way the impediments he encountered in regard to the Irish land question. The right hon. Gentleman could look with but little satisfaction to the legislation of the present Session. All that they had yet passed into law was the Coercion Bill for Ireland—a measure which he trusted would not be the single result of a barren Session. If the right hon. Gentleman was fortunate enough to confer, as no doubt he hoped to do, on the Irish people a Land Bill that would give them peace, tranquillity, and confidence, he was also bound not to neglect the still greater interests of education. That subject had occupied public attention for many years; there were many anxious to see the measure on the subject carried into effect, and if the right hon. Gentleman would rely on the support he would obtain from all who conscientiously held that all education must be based on religion, he firmly believed he would pass a Bill which would be creditable to himself, and go far to redeem the Session from the barrenness that had hitherto characterized it.

Mr. GLADSTONE: Sir, I am sure the hon. Baronet (Sir Lawrence Palk) will accept in good faith the assurance I give him—that I am not surprised at occasional manifestations of anxiety, or even of impatience in reference to measures of the greatest importance announced in the Queen's Speech, but with which we have not been able to make the progress that would on all hands have been deemed desirable. On the other hand, I feel, as I expressed on an occasion that occurred immediately before the Easter Recess, that discussions regarding the order and precedence of business, and competition for priority in the handling of it, do not really tend to advance the purpose we have in view, because what is to be desired is, that there should be pointed out some mode in which the Government can find a greater stock of time available for the purpose of forwarding those measures, or that a vigorous exhortation should be addressed to independent Members to abate considerably the demands they make—as I admit they are entitled by the rules of the House to do, on the time of the House for the discussion of the subjects which they think fit to introduce. If we are merely to debate which of various measures ought to take precedence of the others, we shall, in that very act, be consuming the precious time which might enable us to dispose of them, and the position of those who do so rather reminds me of two lines in that very clever volume, *Rejected Addresses,* where the author speaks of persons who loudly call for silence in a theatre—

> "He who, in quest of quiet, 'silence' hoots
> Is apt to make the hubbub he imputes."

We should take care that the mode we take to correct an evil does not increase that very evil. I must say there is no means in the power of the Government to adopt which would have produced a greater aggregate result than we have actually attained. In regard, however, to the Irish Land Bill, I may observe that many of the criticisms passed on the slowness of its passage through Committee are founded very much upon the very small number of clauses that have been disposed of. But if the number, the variety, the novelty, the sweep, and the importance of the propositions contained in those clauses are considered, it will be seen, I think, that the work really done by the House in respect to the Irish Land Bill is a very great deal larger than the public out-of-doors suppose. In respect to the hon. Baronet's question on the subject of the Education Bill, all I have to do is, in the first place, to refer to the Queen's Speech, a passage in which was studiously framed to give, as far as was in our power, to the English Education Bill, next after the Irish Land Bill, the position of the greatest prominence and importance among the measures of the Session. Two or three weeks ago, I referred to the state of business, and declared it to be the intention of Government to press forward the Irish Land Bill, with all the resources at our command, in the first instance, and, when that Bill was disposed of, to place the English Education Bill in the same position. Of course, all such intentions are necessarily liable to be modified from time to time, owing to change of circumstances; but I see no reason now existing to induce me to recede from the declaration I then made. It would be idle to name a day for proceeding with the Bill at the present moment, for I cannot estimate the number of days that must necessarily be devoted to Supply, and to the transaction of other business that cannot be postponed. All I can say is, that the question is always in the thoughts of my right hon. Friend near me (the Vice President of the Council) and of myself, and that no time will be lost in bringing the subject under the attention of the House for a practical purpose on the first opportunity within our reach. With regard to the Amendments, I hope they will not be of so grave a character as the hon. Baronet seems to think; but the question of the hon. Baronet, with respect to the Amendments is most reasonable. I can assure him that he shall have ample means of judging of their character when they are reduced to form. In adequate time, say a fortnight before we go into Committee, we will take care that any Amendments we mean to propose, in pursuance of the pledge given by me on the second reading of the Bill, shall be laid on the Table of the House.

COMMUTATION OF SENTENCES—CASE OF JACOB SPINASA.

OBSERVATIONS.

Sir GEORGE JENKINSON rose, pursuant to Notice, "to call attention to the case of the convict, Jacob Spinasa, who was sentenced to death at the March Sessions of the Central Criminal Court for the wilful murder of a woman, and who has lately received a reprieve and a commutation of his sentence." He found, by the report of the trial published in *The Times*, that there was no recommendation to mercy; that Baron Channell, the Judge who tried the case, expressed his entire concurrence in the verdict; that the learned Judge said the jury, by their verdict, had negatived the supposition of the prisoner having been in such a state of mind as to be irresponsible for his actions; and that he (Baron Channell) observed he was glad the jury had had "the courage" to consider the case in all its bearings. After all that, the case came before the Secretary of State for the Home Department in private, and he advised a commutation of the sentence. He believed that fresh evidence had been brought under the notice of the right hon. Gentleman; but that was the very point to which he wished to call the attention of the House. He objected to the practice of producing fresh evidence for the consideration of the Secretary of State after a trial in Court. When evidence was held back at the trial and produced afterwards to the Secretary of State, without being submitted to the test of cross-examination, he thought that it ought to be viewed with doubt and suspicion. He begged to be understood as not saying anything against the right hon. Gentleman personally, who, he was sure, had acted in this case in accordance with what he considered to be his public duty; but if sentences in such cases were to be set aside by one man sitting in a private room, the confidence of the public in the course of justice would be shaken. He did not say that the system was badly administered, but that the system itself was bad. His objection was against the Secretary of State, whoever he might be, sitting as a Court of Appeal. In reference to a somewhat similar case with respect to which he asked a Question last year, he wished to mention that Mr. Justice Mellor, the Judge who tried that case, had expressed his thanks to him for having asked the Question, because it afforded him (the learned Judge) the only opportunity he could have of correcting any misapprehension in the minds of the public as to the propriety of any sentences passed; and he had received a number of communications in which the writers stated their approval of the course he had taken. The particulars of the case of Spinasa were known to the House and the public, and therefore, declaring once more that he introduced the subject because he thought the system of an appeal to the Secretary of State a bad one, and hoping that the law would be altered, he left the matter in the hands of the right hon. Gentleman and the House.

MR. R. N. FOWLER said, the House would remember that last year a Bill was introduced by his hon. Friend the Member for Northampton (Mr. Gilpin) to abolish capital punishment, and he (Mr. R. N. Fowler) stated, in the debate upon the second reading of that Bill, that though he believed that the powers vested by the present system in the Secretary of State for the Home Department were exercised as satisfactorily as possible by the right hon. Gentleman who at present presided over the Home Office, yet they were powers which it was perfectly impossible for any man to exercise to the general satisfaction of the public. There could be no doubt that different minds took different views, and it was quite possible that two men of equal ability and fairness, and with an equal desire to do justice to the case before them, might arrive on the same evidence at very different conclusions. Formerly when a Judge left a man for execution, not having received from the jury any recommendation to mercy, the idea was that the convict was sure to be executed; but of late years public opinion had moved considerably in the direction of mitigating sentences of capital punishment, and whenever a man was sentenced to death now-a-days, the Home Office was always besieged with memorials to spare the life of the culprit. He himself had never signed any such memorials, and he should be most unwilling to do so; because he thought that under the present state of the law the Secretary of State ought to be left to exercise the powers intrusted to him on his own responsibility, guided, as a man holding such a post always would be, by the importance of the decision at which he would have to arrive. But it was impossible that the decision of the Home Office could give general satisfaction, because while the trial in Court was an open one, the grounds upon which the Secretary of State arrived at his decision were secret. The Secretary of State frequently had facts put before him which were not before the public, and consequently the public were often puzzled to understand why he spared one criminal and hung another. The whole subject, however, was ably debated on the second reading of the Bill he had referred to, and the Bill was rejected by a majority of 2 to 1, which he took to be a decision of the House to abide by the present system. He hoped to see the day when capital punishment would cease in this country; but he thought that that time was not likely to arrive during the existence of the present House of Commons. After the House had decided to leave these questions in the hands of the Secretary of State, he thought it would be better if the time of the House were not taken up by discussions on particular cases like the one now before them. Such cases ought to be left entirely in the hands of the right hon. Gentleman opposite. This House was, in the nature of things, one of the worst places where the question of the comparative guilt of a murderer could be properly considered, for it was a legislative Assembly and not an executive body.

MR. GILPIN said, he concurred in thinking that it was not desirable that the time of the House should be taken up in the discussion of individual cases which had or had not received the clemency of the Crown. He did not see, however, how it was possible for the hon. Baronet who had brought this question forward to limit himself to this particular case, for not merely the act of the Home Secretary but the Prerogative of the Crown was called in question. The Crown had the indefeasible right of mercy, and according to the Constitution of the country that right was exercised through responsible advisers; and to deprive the Sovereign of that power would be to rob the British Crown of one of its brightest jewels. The hon. Baronet had treated this case as if the Secretary of State had seen right on his own responsibility to set aside or alter the decision of a Judge. For many years he (Mr. Gilpin) had been in the habit of going to the Home Office to ask for a remission of the death penalty in cases where he had reason to believe that special circumstances existed which might fairly be brought under the consideration of the Crown; but he had never known reprieves to be granted by the Home Secretary without the fullest consideration and investigation, and unless new facts had been elicited which would have altered, if not the verdict of the jury, at least the sentence of the Judge. As a rule, too, the Home Secretary acted on the advice of the Judge. Within the last three years there had been a case in which a man was left under sentence of death in the condemned cell, and the Judge had declared that he was fully convinced of the justice of the verdict; and yet ultimately, within a few days of his sentence being executed, the man was set free, with the most perfect concurrence of opinion on the part of Judge, and Home Secretary, that he was quite innocent of the charge against him. What would be the feeling of the country, if in such a case as that a man was hanged because there was no power of mercy such as that which was now vested in the Home Secretary? It was right that there should be in those cases a power vested in the Crown, and he believed that power, whether placed in the hands of the present Secretary of State for the Home Department, or of the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy), would be exercised with equal conscientiousness. As to the instance under the notice of the House, he might state that one of the counsel engaged in the case had called upon him, and had told him that he was perfectly satisfied it was not one of wilful murder; and there were also Gentlemen in that House who had seen the convict, and whose opinion was that there was no malice aforethought. He would, therefore, appeal to the justice and kindness of the hon. Baronet who had brought the question forward (Sir George Jenkinson) to say whether, when fresh evidence was laid before him, it would not be monstrous to interpose between the Secretary for the Home Department and the exercise of the prerogative of mercy. If, he might add, that had the recommendations which had been unanimously agreed to by the Commissioners on Capital Punishment been acted upon, Jacob Spinasa could not have been executed; and he would, therefore, urge upon his right hon. Friend the Home Secretary not to allow any more time than was absolutely necessary to elapse before he introduced a Bill founded on the Report of that Commission. The result of the passing of such a measure would, he felt convinced, be not more to lessen the number of executions than to increase the certainty of convictions. There was a moral in those cases which could scarcely fail to present itself to one after another of the holders of the Office which the right hon. Gentleman filled, and that was that it was neither right nor wise that an irrevocable and irreversible punishment should be inflicted by fallible and erring men. Having always been an advocate for the abolition of capital punishment, he was more hopeful than the hon. Gentleman opposite (Mr. R. N. Fowler), that he should see its abolition during the existence of the present Parliament. It would not be the first instance of a majority, on an important question at the commencement of a Parliament, becoming through discussion, and the progress of conviction, a minority before its dissolution.

Mr. SCOURFIELD said, he thought there was great inconvenience in raising the questions of the expediency of appointing a public prosecutor and abolishing capital punishment, in dealing with an isolated case such as that under discussion. His own experience for many years as chairman of quarter sessions led him to form a very favourable opinion as to the mode in which business was transacted at the Home Office; but as to its giving perfect satisfaction, he must remind the House that the days of perfect satisfaction were gone. He had read, in a very able letter which appeared in *The Times* not long since, that "civilization had enlarged the bounds of criticism," and the observation was, he believed, perfectly just. Those who complained of the present system ought to have some distinct idea of what was to be substituted for it, and until some well-defined plan was devised it was not wise, in his opinion, to do anything which might tend to impair the authority and efficacy of that system.

Mr. WHALLEY said, he believed he was one of those who had laid themselves open to the charge of impertinence in interfering with this case; but he had felt it to be his duty to act as he had acted. If Spinasa had been executed it would have been a grievous outrage on public justice, and a deliberate murder in the name of justice. The man had acted in a fit of passion and mania; and if he had been hanged it would have been in defiance of the unanimous recommendation of the Royal Commission, for there was no deliberate malice aforethought. After the reprieve he visited the man, and took great interest in his case. He had made it his business to inquire into the antecedents of this man, and to obtain the opinion of persons conversant with the particular malady to which he had been subject. The malady was one well known to medical men as "homicidal mania." This man, in his youth, had been subject to these fits, and on three occasions he had been restrained from committing suicide, and injuring himself and others at times when he was entirely irresponsible for his actions. The account which the man gave of himself had been corroborated by the medical men. Police magistrates and others stated that at the least one-half of the charges of murder ended in acquittal, and the return to society of persons who were probably guilty of the crime. This was one effect of capital punishment, for juries were reluctant to pronounce a verdict of guilty. He believed that the hon. Baronet (Sir George Jenkinson) was entitled to the thanks of the House for having brought this matter forward; he was also of opinion that the Secretary of State for the Home Department had in this case exercised his powers in a satisfactory manner.

Mr. BRUCE: Sir, I am not going to allow myself to be led by the present discussion into any argument either as to the punishment of death or the mode in which justice is administered in this country. While the law respecting murder remains as it is, and while the spectacle is so often seen of Judges and juries dissenting—the one from the verdict and the other from the sentence which, in accordance with law, they are obliged to pass—there must be lodged somewhere the power of administering the prerogative of mercy. No person will be a greater benefactor to the public than he who successfully deals with this subject, so as enable justice to be administered with more entire satisfaction than it is at present, for the office of Secretary of State for the Home Department, with whatever care, wisdom, and prudence it may be administered by any individual, must be always exposed to a great deal of criticism. The circumstances which influence his decisions are very frequently unknown to, or, as in the present instance, vaguely surmised by the public. In some instances I have seen them approved or disapproved for reasons altogether apart from the truth; and, as long as there exists no means of imparting to the public the reasons on which the ultimate decision is arrived at, this must continue to be the case. Attempts have been often made, though not always successfully, to improve the administration of criminal justice; but I hold that we must always retain the prerogative of mercy, although we may limit as far as possible the number of cases in which it shall be exercised. Before I come to the case of Jacob Spinasa, let me notice one or two remarks which fell from the hon. Baronet (Sir George Jenkinson). I am sorry he should regard as harsh anything which fell from me as to the line of conduct he pursued, but I think the House will be of opinion that I was right when I objected to the course of procedure he adopted when he called upon me to state, by way of answer to a Question, my reasons for advising that the prerogative of mercy should be exercised in certain cases. The hon. Baronet had on one occasion, during last Session, asked me to give my reasons for remitting sentences in as many as 11 cases, and on the last occasion his Question referred not simply to this man Spinasa, but to two other cases. Now I have never before known a Question to be put to a Home Secretary, involving even the case of a single prisoner. Formerly, whenever such a subject was submitted to the notice of the House, it was brought forward under a sense of great responsibility on the part of the person who challenged the decision of the Home Secretary—he brought forward the case in all its details, showed that principles of great importance were at stake, and gave the Minister the amplest opportunity of vindicating his conduct. But the manner in which the hon. Baronet brought forward this Question was altogether different. For aught I know, he may have put into the form of a Question something he had seen in the newspapers the day before. He may have taken no pains whatever to master the subject. At all events, that is consistent with a great deal of what one sees going on every day in this House. The other mode, however, is one which secures that care on the part of the questioner which the hon. Baronet has probably not bestowed on the case now under consideration. Then, he says that one man sitting in a private room overrules the decision of a Judge and jury; but does the hon. Baronet think that a decision has ever been overruled without the most careful and intimate communication with the Judge? For myself, I may say that in no single case have I ever overruled the decision of a Judge without the fullest approbation on the part of the Judge himself. In two of the three cases to which the hon. Baronet's last Question referred, the decisions were overruled at the specific request of the Judges themselves, before any other representation had been made to the Home Office. In the present case the facts are not exactly the same, for I was besieged with Petitions. These Petitions, I may remark, are very closely scrutinized, and are only sent to the Judge for his report if it is found that they contain real and substantial reasons why the sentence should be remitted. In the present case it appeared to me that there were substantial reasons for consideration set forth in the several Petitions which were sent to me. I accordingly referred them to the consideration of the learned Judge who presided at the trial, and I received from him a most clear and elaborate answer, to the effect that the evidence adduced at the trial, and the facts set forth in the Memorial afforded no sufficient grounds for disturbing the verdict of the jury. I should have acted on that opinion had not new facts of a most important character subsequently come in. Those who have read the reports of the case must have noticed that it was altogether a mysterious one. A murder was committed, for which no motive could be assigned, by a person who was apparently labouring under some temporary and violent hallucination. The Judge and jury, however, thought there was not sufficient evidence of this state of mind, and therefore they treated the prisoner as a man who had committed a murder, with a full knowledge of what he was doing. After the trial evidence was given upon oath in Switzerland by a surgeon who had repeatedly attended Spinasa while he was in a militia regiment, and who had seen him in a state of hallucination similar to that described at the trial, and accompanied by acts of violence, of which he was unconscious. Then it was proved that persons in a German hospital in London had seen him under similar circumstances. Well, I sent this evidence to the learned Judge, and his answer was that if these facts had been presented to the jury, they would probably have induced them to take a different view of the subject; but even then, instead of acting entirely on the opinion of the learned Judge, I sent the whole of the papers to my noble Friend the Lord Chancellor, although this is not a course I usually adopt. The Lord Chancellor was kind enough to consider the case, and he concurred with me in thinking that, after the statement which had been made by the learned Judge, it would be impossible to inflict the sentence of death. I am aware it may be objected that these witnesses were not subject to cross-examination. Now that is perfectly true, but I beg of hon. Members to look at the other side of the case, which presents itself to me often and very strongly. Attempts are often made to induce me to remit the punishment in cases where evidence has been held back, in order that it may afterwards be alleged that if the witnesses had been heard the result of the trial would have been very different. I pay no sort of attention to allegations of that description; but the case of Spinasa, a poor man and a foreigner, who could not provide properly for his defence, was of an entirely different kind. In such a case it is impossible to avoid giving weight to evidence adduced after the trial. I may here mention another case which was brought under my notice more recently. A prisoner was entirely undefended, not a palliative circumstance was adduced on his trial for murder, and he was consequently convicted and sentenced to death; but other evidence was afterwards brought forward which, in the opinion of the Judge, would, if laid before the jury, have turned the scale in favour of the prisoner and shown that he was guilty of manslaughter instead of murder. Cases of this kind are very frequent in consequence of the imperfection of our system. A poor ignorant man cannot bring forward the evidence necessary to do him justice. It is only when public sympathy has been aroused that all the facts are brought to the knowledge of the Home Secretary, who, with the assistance of the Judge, performs his duty to the best of his ability. As the hon. Member for Falmouth (Mr. R. N. Fowler) says, different Home Secretaries take very different views of cases that are similar in circumstances. That I admit, but may not the same thing be said of Judges and juries? I would appeal from the opinion of the hon. Baronet to those learned Judges who have experience of the last 30 or 40 years, as to whether they were satisfied with the manner in which the Home Secretaries had discharged their duty. I believe the general opinion is, as was stated by the hon. Member for Pembrokeshire (Mr. Scourfield), that the decisions come to in the Home Office are, on the whole, sound, righteous, and satisfactory. In this particular case I think, after the statement I have made, the House will see I could come to no other conclusion than I did.

Sir JOHN PAKINGTON said, he must express satisfaction at the judicious and temperate speech of the Secretary of State for the Home Department; but he trusted his right hon. Friend would permit him to say he was a little hard upon the hon. Member for North Wiltshire (Sir George Jenkinson) when referring to what he did last year, when dealing with cases which at that time were exciting considerable attention. His right hon. Friend had not then been long at the Home Office; very little was known of his mode of dealing with such cases, and fears were entertained that mercy had been injudiciously exercised; but the explanation given at that time entirely removed that impression from his mind, and probably from the mind of the public at large. He thought the Home Secretary would have been justified in requiring that if any hon. Member desired to question the propriety of any exercise of the prerogative of mercy it should be done after fair notice, and in such a way as to enable him to make full inquiries, and come before the House prepared to go fully into the case, and it would have been better if the right hon. Gentleman had contented himself with making that request. The explanation given in the particular case referred to showed that the Home Secretary had acted with the utmost care; nor could he have come to any other conclusion than that he had. It was, however, much to be regretted in cases of an aggravated nature, when the commission of a shocking crime had been followed by a sentence without any recommendation to mercy, that the sentence should be commuted on the ground of evidence unknown to the Judge, not given upon oath, and not subject to the test of cross-examination. He did not say that cases might not arise which would justify a commutation of sentence upon such grounds; he desired merely to observe that the more seldom sentences were set aside under such circumstances the better for the ends of justice. He was not one of those who desired to put an end to capital punishment; he would go further, and say, that in such a case as the recent horrible attempt to assassinate a magistrate in Ireland, prevented from being actual murder only by the interposition of Providence, the sin of the criminal was the same as if his victim had fallen by his hand. No distinction should be drawn between actual murder and such a case, and he was sorry that the law had been so relaxed as to permit of a distinction. Still, although he did not desire to separate the punishment of death from murder, it was necessary that the evidence in every case should be conclusive and satisfactory, and he was bound to confess that in this case the explanation afforded by his right hon. Friend threw doubts upon the justice of the sentence. Among all the duties which devolved upon Ministers of the Crown none required such careful and anxious thought as the one which the Home Secretary had to discharge in dealing with the prerogative of mercy. His conduct in exercising that prerogative, however, should be open to the fullest review by the House, and nobody would be more the gainer than the Home Secretary himself.

SPAIN—CASE OF THE "TORNADO."

QUESTIONS.

MR. BENTINCK, in rising to ask the Under Secretary of State for Foreign Affairs the Questions of which he had given Notice, respecting the capture and condemnation of the *Tornado*, said, he had not ventured to put these Questions on the Paper without a full consideration of the difficulties of the case. First, there was the difficulty naturally incident to a Session so full of business as the present; and also that Foreign Affairs, owing to the pressure of matters of more domestic interest, were not discussed in that House so frequently as they once were; and in asking the attention of the House to the subject, there was also a special difficulty, of the fact that the capture of the vessel took place nearly four years ago; that it had been discussed to and fro between the English and Spanish Governments ever since, the correspondence being comprised in 750 pages of Blue Book; and in the singular hesitation and contradiction displayed by the British Foreign Office. But there was, nevertheless, the almost absolute authority that there had been no legal trial of the question; but that a British ship had been unjustly condemned, and that the interests of British subjects had been sacrificed. The subject was still further complicated by the constant references to Spanish law, which nobody appeared to understand—and the Spaniards themselves least of all. For all these reasons, he had thought it best to address a series of Questions to the Government containing the principal points of the case. It was not his intention to go into the merits of the case of the 21 British subjects who had been imprisoned and plundered—he rather desired to inquire of the Government what was the state of the law at the present moment. The first difference with reference to these prize cases occurred in 1865, when the war between Spain and Chili broke out, during which the proceedings of the former country were characteristic of the arbitrary acts of their Government, both in the present age and in times past. From October, 1865, the Blue Books were filled from first to last with protests from the British and Foreign Governments against the acts of Spanish commanders, with complaints of disregard of blockades, of illegal seizure of vessels, and of illegal prize tribunals. The principal of these complaints was that Admiral Pareja, the Spanish Commander-in-Chief, had determined to constitute a Prize Court on board his flag-ship. Against these illegal proceedings, successive Ministers for Foreign Affairs—Earl Russell and the Earl of Clarendon—had warmly and persistently remonstrated, insisting that no British ship should be tried or condemned except by a properly constituted tribunal. [The hon. Member then read numerous extracts from the "Correspondence during the War between Spain and Chili," pp. 67, 69, 104, 118, 127, 144, 157.] Summed up, therefore, the demands of the British Government were, that a neutral vessel had a right to be tried by a properly constituted Court of First Instance, presided over by a Judge possessed of a competent knowledge of law, to have agents, counsel, and all substance of justice, and moreover an appeal to a proper appellate tribunal. All these demands the British Government were led to believe would be complied with. Under these circumstances he wished to ask Her Majesty's Government whether the law laid down in Lord Clarendon's dispatches was not general in its purport, and not limited to the particular cases of prizes adjudicated by Admiral Pareja? The case of the *Tornado* arose in 1866. She sailed from Leith, after due examination by the Custom House authorities, on the 10th of August in that year. She arrived at Madeira on the 21st. She left Funchal at half-past 8 o'clock on the following evening, and at half-past 10 she was captured by the Spanish frigate *Gerona.* It was not his intention to enter into the question of the treatment of the crew; but, as regarded the capture of the vessel, he wished to point out that it was, from first to last, undoubtedly illegal, and that it was the duty of our Government to protest against it directly it occurred, and to insist, in the strongest manner, upon the restitution of the ship. The capture was illegal: in the first place, it was a violation of the right of asylum; and secondly, because it was effected in Portuguese waters. He knew that this question had been raised by the claimants, and that the Foreign Office said that it was one which must be tried by the Prize Court; but, in matter of fact, claimants never had had the opportunity of laying their case at all before any tribunal which had the slightest pretension to administer justice upon recognized principles. That the vessel was captured within Portuguese waters was admitted by the captain of the *Gerona* (Captain Benito Di Escalera), who, after stating that his orders were to intercept the *Tornado* at any cost, reports his proceedings in the road of Madeira, and his arrangements with persons in that port for capturing the vessel the moment she should put to sea. Now, according to the highest authorities, and the decision of Lord Stowell, in the case of the *Anna*, with which his hon. Friend was, no doubt, familiar, the acts of the Spanish captain were sufficient to render the capture illegal. It had been laid down, and would be found in *Wheaton*, at page 715, that captures made by vessels stationed without, or hovering on the coast of maritime jurisdictions, were absolutely illegal and void, and that all proceedings in neutral territories, preparatory to acts of hostility, were equally illegal. The admitted combination, therefore, between the captains of the Spanish vessels and the Spanish Consul to signal the movements of the British ship in a neutral port was a clear breach of international law, and was sufficient of itself to render the capture void. According to the statement of the crew, the capture was effected at half-past 10 o'clock in the evening, within a mile of the shore, and, therefore, within Portuguese waters. The Spanish authorities disputed that statement, and said the capture was effected 4 miles to the northward of a certain cape. When they came to examine the distances—and he saw by the newspapers that a letter had been written to the Foreign Office giving the exact measurements as verified by the highest geographical authorities in this country—they would find that if the Spanish captain's statement be true, he must have made 33½ geographical miles in less than two hours. That, however, was impossible; and, therefore, there was no reliable evidence to contradict the positive affidavits of the crew and captain of the *Tornado*, and there could not be the slightest doubt that the capture was, from first to last, illegal. Under these circumstances, it did seem most extraordinary that the Foreign Office should have failed to raise this point, and should have allowed this ship to be captured by the Spaniards without remonstrance, and without the assertion of that right which every Foreign Government asserted against England wherever similar cases arose in our jurisdiction. This capture of the *Tornado* became the subject of serious remonstrance on the part of Lord Stanley, who was then at the Foreign Office. The principal point made by the Foreign Office was against the character of the first tribunal — that it was composed entirely of naval officers, sitting without any legal assistance. Admiral Quesada, who had ordered the seizure of the ship, was the President; three of the officers of the Court were actually interested in the capture; and all, including the President, were totally ignorant of international or municipal law. Now, if it should be said that they were assisted by a legal assessor, and that, therefore, the tribunal had, to some extent, a legal constitution, he (Mr. Bentinck) had a contradiction upon the Spanish Government's own showing. In a despatch to Sir John Crampton (Correspondence (1867) Part I. No. 135), General Calonge said the protestors had disregarded the character of the functionary from whom emanated the Report: the assessor was not a judge; but his duties were confined to recapitulating the motives and legal provisions which might serve as a foundation for its opinion. Now, he asked hon. Gentlemen, who were familiar with legal forms, whether the assessor in this case fulfilled the office usually discharged by such a functionary? He had no voice in the decision of the Court, but simply formed his own opinion, which he might, or might not, communicate to the Court; and was afterwards employed in drawing up the Report. Therefore, it was impossible to say that, by the mere appointment of such a person, this tribunal embraced any element cognizant of municipal or International Law. The principal objections of our Foreign Office to these proceedings were set forth in a despatch addressed by Sir John Crampton to the Spanish Government, dated November 6. On the 21st of November, a most important despatch was written by General Calonge (Correspondence (1867) Part I. No. 103). He therein stated that the defendant in a Spanish Court, the owner of a prize, was fully at liberty, according to Spanish law, to defend his interests at every stage of the suit; and that the British Government had not sufficiently appreciated the difference between the preliminary and the full inquiry—the first was necessarily secret; but in the second, the suit had arrived at a stage when the defendant could take measures for his defence; he might also appeal against the sentence which might be given in the first instance, and amplify in the second instance his defence for sustaining the appeal. On the 19th of January, not long after the despatch, Lord Stanley intimated his doubts as to the legal character of the ship; but on the 8th of February, he wrote a review of the case, which constituted his (Mr. Bentinck's) strongest point against the Government. In that despatch, Lord Stanley said—

> "A neutral State consents that a vessel belonging to its subjects may be seized on the high seas only upon the faith and understanding that such vessel shall be tried in a Court in which International, and not municipal, law is administered. It is an essential requirement of such trial that the rules of natural justice shall be observed—that the proceedings shall not be protracted by unnecessary delay, which is in itself a wrong, and that a sentence shall not be pronounced in the compulsory absence of the parties interested. Her Majesty's Government do not instruct you to dwell on the disregard shown by the Spanish Government to the assurances which they so constantly gave that the parties should be heard before a decision was pronounced in the case. And if it be true that the appeal is to be made to the same Court which pronounced the original sentence, the position of the defendant is so aggravated that it is a mere mockery to offer him an appeal. He has been condemned already behind his back and in the dark by the Court whom he must persuade to recognize their own wrongdoing as an indispensable condition of his acquittal on appeal. Such a mode of proceeding has been hitherto unknown among civilized States. Her Majesty's Government, under all these circumstances, cannot acquiesce in the consequence of its being applied to British subjects or their property."—[Correspondence (1867) Part I. No. 123.]

On the 28th of January, Captain Collier and other parties were cited to appear before the Junta in "plenario" proceedings; but under the advice of their Spanish counsel they limited their defence to a protest against the jurisdiction of the Court. The Junta, having declared its own competency, proceeded to re-examine witnesses and pronounced a ratification on the 26th of March, 1867. It might be argued that the parties interested, having failed to discuss their case on its merits, barred their rights; but the answer was, that they were acting under the direction of the Foreign Office, which, from first to last, protested that the sentence was void, and it was clear they could not have acted contrary to the principles which the Foreign Office laid down without forfeiting the protection and assistance which they might expect to receive from their own Government. The Foreign Office, therefore, could not object, neither could Spain; for it was an important element in the case that the defence adopted in the first instance was a demurrer to the jurisdiction, because the suit had been commenced in a judicial and not in an administrative form; and, more than that, the demurrer was allowed. No man acquainted with the principle or practice of law could object that a defendant had failed to adduce evidence when he had successfully pleaded a demurrer to the jurisdiction; but it was clear, from the evidence of Sir John Crampton and of Mr. Dunlop, the Consul at Cadiz, that the condemnation of this vessel was a foregone conclusion on the part of the Spanish Government; and he could prove that from their own statements. On the 4th of March, 1867, Sir John Crampton stated that little confidence was felt that a decision favourable to the defendants could be obtained on the merits of the case, no matter in what tribunal the case was judged, or to what Court of Appeal it might be referred. On the 26th of March, Mr. Consul Dunlop, an unimpeachable witness, wrote to Sir John Crampton to say he had, in conformity with instructions, attended the Court or Commission assembled under Admiral Quesada's orders, for the re-examination of Mr. Collier and seven of the crew, with the view of ratifying the former evidence, and repealing the sentence. Mr. Dunlop proceeded to give a very extraordinary narrative of the proceedings on this occasion. The hon. Member then read Mr. Consul Dunlop's letter from the Correspondence (1867) Part VI. No. 2. On the 21st of March final condemnation was pronounced, and on the 11th of April the protest of the claimants was entered in due form. On the 20th April Lord Stanley wrote, complaining of the course adopted by the Spanish Government, and adding—

> "Her Majesty's Government would not refuse to allow the proceedings, informal and unjust as they were, to be set aside with a view to a new and proper trial. Her Majesty's Government would probably agree to any fair proposal for a new judicial investigation."

The demurrer was then heard before the Court of War and Marine; and the sentence of the Inferior Prize Court was set aside after nearly a year's delay—on the ground that the suit was administrative and not judicial. He would here point out that there was a wide difference existing between the administrative and judicial suits in Spain. In a judicial suit a private person was the claimant; in an administrative suit the claimant was the Government. There was this difference between the two proceedings—whereas in a judicial suit the claimant or the defendant had a positive right to appeal to the Council of State; in an administrative suit, where the Government was the claimant, the defendant could not appeal except by the permission of the Government. Therefore it was obvious that by changing the suit from a judicial to an administrative one the Spanish Government obtained a great advantage for themselves by acquiring the power of preventing any appeal being made by the defendants.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. BENTINCK: After the Supreme Court had quashed the first proceedings, the case was hung up for two months. During the interval a debate took place in that House upon the case of the *Tornado*, in which the present Attorney General protested eloquently against the cruelty and injustice which the captain and crew of the *Tornado* had undergone. The remarkable circumstance in that debate was, that it appeared Lord Stanley had been induced to believe that the question was at the time actually before the Council of State, and that an immediate decision might be expected. Lord Stanley was misled by the Spanish Government; for on the 27th of April, four days after Lord Stanley had made that statement, the Council of State issued a Royal Order, apparently manufactured for the very denial of justice, and by that order Captain Collier and the parties interested with him were cited to appear within 30 days before the same Court, described by Consul Dunlop as unworthy of any civilized State. He apprehended that the main point on which the Government would rely would be, that it was the duty of the owners and parties interested to appear and plead on this the occasion of the second trial, and that, in default, their remedy was gone. But it must be shown, if Lord Clarendon's law was not repudiated, that the Court fulfilled the conditions laid down by Lord Clarendon. It must be shown, first, that the Court fulfilled the conditions as regards the qualifications of the Judge; and secondly, that a fair trial of the question at issue took place when International as well as municipal law was duly administered. The proceedings of the new suit were defective in three material particulars—first, with reference to the constitution of the Court; second, from the nature of the evidence; and third, from the want of parties. First, with reference to the Court, excepting Admiral Quesada, who was dead, and one other officer, the Court was composed of the same persons who sat on the first occasion, and they were destitute of the qualifications for Judges, as was clearly shown by the statement of Consul Dunlop. Further, as they sat on the former trial, any opinion they might express as Judges on the second would, as Lord Stanley said, be a mockery. Then, as to the character of the evidence, it was also condemned by Lord Stanley. The suit was entirely defective for want of parties. The owners were absent, Captain Collier was on the West Coast of Africa, the crew were scattered all over the world, and the Spanish Government by their citation gave a period only of 30 days for the parties to appear. The owners, however, had a representative at Madrid, and he consulted eminent lawyers, who advised a protest. A petition was presented to the Court, received, and referred by it to the Council of State two or three months afterwards, but no further notice was taken of it. On the 1st of July, 1868, without making any communication to the defendants or hearing any further evidence on their behalf, the Court pronounced its decision, which was the same as that previously given. A few days after, the representative of the owner presented a petition appealing to the Council of State, and on the 11th of July the Council of State, without hearing the defendants at all, pronounced a final decree confirming the decision of the Court below. Under these circumstances, the denial of justice was perfectly clear. The whole case was well summed up by Senor Retortillo, (Correspondence (1869) Part I. No. 54) in consultation with Sir John Crampton, pointing out that it would have been absurd to defend before the Junta of Cadiz, and advising a defence before the Council of State, where the defendants would have full rights. The Council of State, besides, was bound to hear the case by the obligations of diplomatic notes, and by the power it had to do so even under Spanish law. It was clear that if diplomatic notes had never been written the Spanish Government might have allowed the appeal, and their refusal to do so by availing themselves of a technical point was a clear denial of justice, as well as the repudiation of a solemn engagement. That was Lord Stanley's opinion, for in his last despatch, dated August 24th, he insisted on a fair trial, and declared General Calonge's despatch to be an authoritative statement that an appeal in prize cases was allowed. There the case rested till Lord Clarendon succeeded to the Foreign Office. The first despatch on the subject written by Lord Clarendon, dated the 17th of December, 1868, was one of the most extraordinary productions ever issued from the Foreign Office. It was quite inconceivable how a statesman of Lord Clarendon's experience should ever have put his name to such a document. That despatch was wrong in its facts, inconsistent in its conclusions, and most unreasonable in its demands; and, above all, it showed signs of yielding, of which the unscrupulous Government of Spain did not fail to avail itself with all celerity. The hon. Member then read *in extenso* the despatch of the Earl of Clarendon to Sir John Crampton (Correspondence (1869) No. 58). In the last paragraph of the despatch Lord Clarendon said—

> "I have to instruct you to represent to the Spanish Government the circumstances under which the claimants postponed and declined to enter into their defence, and you will request that under these circumstances a special tribunal, after hearing both sides, may determine whether the *Tornado* was or was not a good prize."

Here we find Lord Clarendon abandoning his rights and asking most unreasonably for a Special Tribunal, to which he was not entitled. This demand, as a matter of course, was refused by the Spanish Minister on the 4th of May, who then communicated to the British Government the Memorandum of the Council of State referred to in my last Question. This Memorandum professed to give the reasons why the appeal was denied. The Council of State allege, that the administrative nature of the matter did not, however, prevent the interested parties from bringing all the proofs and making all the defence compatible with their rights, and they refer to the organic law of the Tribunal of Cadiz, according to which by No. 8 of Article XLV., the Government was obliged to hear the Council as to the legality of the maritime prizes, and to which the Royal Order of the 27th July, 1867, declared this obligation was in so explicit and decisive a manner that after it they could entertain no sort of doubt upon that point. He (Mr. Bentinck) had searched through the Papers relating to the case, and had been wholly unable to find either Section 8, Article XLV., of the Organic Law of the Council of State, or the Royal Order, dated July 27, 1867, under which it was alleged that claimants might have produced before the Council of State, the arguments which they did not choose to bring before the Court in the first instance, and he hoped there would be no objection to produce these Papers. For his own part, he believed this allegation, on the part of the Spanish Government, to be a pure and simple fabrication. The Foreign Office then referred these matters to the parties interested, whose replies, evidently settled by counsel, were both explicit and unanswerable. But shortly after their receipt, without either explanation or comment, in a brief but a degrading despatch, dated 25th June, 1869, Lord Clarendon hauled down his flag to the Spanish Government, and, in page 24, writes to Mr. French—

> "That Her Majesty's Government, after the fullest consideration, have come to the conclusion that, although there are many circumstances connected with the proceedings against the steamer *Tornado* to which exceptions might very reasonably be taken, yet, upon the whole, they are prepared to acquiesce in the sentence of condemnation."

If he were dealing with an Irish question, he should be strongly tempted to speak of that despatch as "felonious." Why should the Foreign Secretary go out of his way to make admissions? He had always understood it was the duty of the Foreign Office to take exceptions to the conduct of foreigners where these become necessary, and to press the matter upon the attention of the particular Government at the proper time. There was scarcely an act of the Spanish Government to which exception might not be taken; but what was the use of recording irregularities, if in a case like that of the *Tornado* the Spaniards were allowed to have it all their own way? He had now made his statement with as much brevity as possible, and it only remained for him, in the name of the maritime interests of this country, to ask Her Majesty's Government, whether the law laid down by Lord Clarendon in 1865 was good law or bad law; and, in the latter event, by what new code of maritime regulations the commerce of this country was to be regulated? The opinion was gaining ground upon the Continent that the power of England was no longer what it used to be; that a great disposition existed to surrender our rights, and that the only thing thought of was a policy of economy, so frightened had Her Majesty's Government become of certain hon. Gentlemen sitting below the Gangway. He well remembered the cases of the *Cagliari* and of Brazil, neither of which was so strong as the present case, though his hon. and learned Friend opposite (the Attorney General) in one of them won his spurs and a seat on the Treasury Bench. In the *Cagliari* case it was never proved that we were in the right; but, for the imprisonment of two British subjects, we extracted £3,000 from an old friend, or enemy, the King of Naples. Here, on the contrary, 51 British subjects had been plundered of some £1,500, and confined for months in Spanish dungeons, yet the Spanish Government were allowed to do wrong with impunity. The right hon. Gentleman at the head of the Government might have a very large majority at his back, and his popularity might be very great; but if he did not maintain a firm attitude where the maritime interests of the country were at stake, his majority would dwindle and his popularity fade away. On questions of foreign policy he had been opposed to Lord Palmerston, yet Lord Palmérston's foreign policy met with the approbation of this country. That policy was summed up in his well-known phrase of the *Civis Romanus sum*, a character of whom, in the present day, very little indeed was seen.

MR. OTWAY said, his hon. Friend (Mr. Bentinck) had entered into the question at unexpected length, after the promise which he (Mr. Otway) understood him to make of deferring the discussion of the merits of the question to another opportunity. His hon. Friend, however, had made several violent assumptions — that the *Tornado* was an innocent vessel prosecuting an innocent voyage; that she had been unjustly condemned by a Spanish tribunal; that a variety of opinions respecting the irregularity of the trial had been expressed at different times by the Foreign Office, and also as to the barbarous and oppressive treatment to which the crew were subjected. Of not one of these assertions had his hon. Friend thought it necessary to adduce any proof. The vigour of his language, however, was undeniable; for he thought it not unbecoming to accuse his noble Friend (the Earl of Clarendon) of having written a "felonious" despatch — one more degrading than any that had ever before emanated from a British Minister. [Mr. BENTINCK: No!] Well, on that point he would not argue with his hon. Friend; but it certainly would be his duty to show to the House what sort of vessel this was, and who the persons were on whose behalf the sympathy of the House, and the interference of the British Government was so warmly demanded. Of the many confident assertions made by his hon. Friend there was, unfortunately, but one in which he could fully concur, and that was the remark that it was very difficult to comprehend the proceedings of the Spanish tribunals. And, as both the Attorney General and himself had been accused of being unacquainted with the legal merits of the case, he would endeavour to give the House a short account of the legal aspect and stages of the controversy. All that the Government had a right to demand was, that the vessel should have a fair trial according to Spanish law. His hon. Friend (Mr. Bentinck) had declared that the tribunal was composed exclusively of naval officers. Such, however, was not the fact. The first Court that tried the case was the Junta of the Department of Cadiz, a permanent tribunal of naval officers aided by a legal officer, called an auditor, and acting under fixed rules and methods of procedure. The examination was conducted in strict accordance with Spanish law—namely, with closed doors; all the evidence taken was reduced to writing; and upon this evidence the auditor advised the Junta, and the Junta on the 15th of December, 1866, pronounced the prize good. This was the first step taken in the trial, and is that known as *sumario* (preliminary inquiry). But, according to Spanish law, if either party does not acquiesce in the decision given on the *sumario* process, then the decision goes for nothing, and the *plenario*, or contentious proceedings, begin. The depositions taken are communicated to the parties, and the case is argued by counsel in solemn form before the same Court, and from its second decision there is an appeal to a superior tribunal. On the decision of the 15th of December, 1866, being made known to the claimants, they protested against it, as well as against the power of the Junta to condemn the vessel. Doubtless, they imagined that the decision on the *sumario* process was a definitive sentence, and not merely a preliminary step in the legal proceedings, in which, according to Spanish law, they were at liberty not to acquiesce. When this protest of the claimants was made known, the Junta commenced the examination of the case on the *plenario* process, and called upon Captain Collier and the other interested parties to appear before the Court, and show cause why the vessel should not be condemned as lawful prize. This apparently the claimants refused to do, and continued their protest against the jurisdiction of the Junta and the validity of their proceedings. They were cautioned that if they did not appear and make their defence, the trial would proceed precisely as if they had so appeared. As to their receiving instruction from the Foreign Office in the matter, the Foreign Office had never interfered to give any advice. The trial went on, and the Court on the 21st of March, 1867, pronounced verdict on the *plenario* process, and condemned the vessel as good prize. Against this second verdict the interested parties again protested, and an appeal was carried to the Supreme Court of War and Marine, which pronounced their verdict null and void, not because the Prize Court was incompetent to try the case or had acted illegally either on the *sumario* or *plenario* process, as far as mode of procedure in regard to the evidence was concerned, but because it had pronounced sentence — in other words, that it had acted judicially instead of administratively. The Court was therefore ordered to try the case administratively, and Captain Collier and others were cited to appear and give evidence. The citation was acknowledged, and when the day for their appearing arrived, instead of making their defence, they merely entered a protest, and declined to give evidence. The grounds for their protest were based on the incompetency of the Court to deal with the case at all, and upon the injustice of allowing any portion of the evidence, taken either in the *sumario* or *plenario*, to be used again. They demanded a fresh trial before a fresh Court; but the Supreme Court of War and Marine, in quashing the verdict of the 21st of March, 1867, not only admitted the validity of the Court as a Court, but likewise admitted the validity of the evidence taken in the *sumario*, and Her Majesty's Government held precisely similar views. The new trial, therefore, was to commence from the original *sumario*—in other words, the Court was ordered to take evidence, hear counsel, &c., from this point; in fact, to institute a fresh *plenario* investigation, but not to pronounce sentence. This was done, and the evidence thus obtained was subsequently forwarded by the Court to the Minister of Marine at Madrid, and the whole case was submitted by him to the Council of State, which ratified the proceedings of the High Court, and pronounced the capture good. These proceedings might appear to be somewhat complicated; but they were strictly in accordance with Spanish law, and his hon. Friend had apparently forgotten that Her Majesty's Government had had the advantage of being advised in reference to this matter by gentlemen of very great legal eminence, gentlemen belonging not only to the present but also to the past Government—six legal gentlemen in all—and though he was far from underrating his hon. Friend's knowledge of International Law, he could not help feeling that Her Majesty's Government were perfectly justified in acting as they did, considering the advice they had received. His hon. Friend had stated that the vessel was captured illegally while sailing in Portuguese waters; but he (Mr. Otway) would remind his hon. Friend that that, again, was an assertion made without proof. But even if that were the case—and that it was so had been always denied—it would be the duty of the neutral Power and not of Her Majesty's Government to claim reparation. Her Majesty's Government were not slow to protect the rights of British citizens and of British ships when called upon to do so; and if the career of this vessel had been an innocent one, and if it could have been satisfactorily shown that in this case there had been any hardship and injustice inflicted, Her Majesty's Government would probably have thought it their duty to take some steps in the direction suggested by his hon. Friend. But what had been the career of this vessel, and what were the facts connected with her history? To those facts his hon. Friend had been too prudent to allude, for the fact was that this vessel had been steeped in crime from her very cradle. He held in his hand a document which he believed had not been seen by his hon. Friend. Indeed, if his hon. Friend had seen it he would scarcely have interested himself in this matter as he had done. This document was a statement made by the captain of the *Cyclone* who had had the *Tornado* with the *Cyclone* under his orders, both ships being in company and belonging to the same owners, and certified by him in writing to be correct. It contained evidence which fully bore out nearly every one of the charges alleged against the vessel by the Spanish Government. Now, his hon. Friend had said that the Foreign Office had continually changed its opinions on this matter; but in this his hon. Friend was mistaken, for the Foreign Office had always maintained that there was great suspicion about the vessel. All that they had done was to demand that there should be a trial by Spanish law, and when that had been done they gave that acquiescence in the proceedings which his hon. Friend had characterized as so degrading. It appeared that the vessel was built on the Clyde for the Confederates. She was, however, condemned by default, under the Foreign Enlistment Act, and remained in possession of our Government until the conclusion of the American War, when she was restored to the owners. In January, 1866, Her Majesty's Government received information that the *Tornado* and *Cyclone* were fitting out as Chilian privateers, Spain being at that time at war with Chili; but there was not sufficient evidence on which to detain them. They sailed for Hamburgh, from whence the *Cyclone* proceeded to Valparaiso and entered the Chilian service. The *Tornado* returned to Leith, after an unsuccessful attempt to ship arms from two vessels at the Faroe Islands. A fortnight afterwards she left Leith, nominally for Rio de Janeiro, but she called at Madeira to coal, and the day after leaving Madeira she was captured by a Spanish frigate and sent to Cadiz for trial. [Mr. BENTINCK: What is the date?] The document bore no date; but it was handed to him the other day while at the House by the gentleman who had written it, and the dates and other matters his hon. Friend could easily verify.

The *Tornado* and the *Cyclone* were built, manned, and equipped alike, and were both under the command of Captain Holmes, at Hamburgh. Captain Holmes admitted that he was furnished with two sets of letters—one describing her as an ordinary trader, bound to a Brazilian port; the other instructing him to avoid all Spanish cruisers, and to destroy the papers if chased or boarded by them; and, in the event of being pressed, to make for a Chilian port, there to take orders. When Captain Holmes returned to London he gave up the original instructions; but, previous to so doing, he had had photographs taken of them. When his hon. Friend (Mr. Bentinck), therefore, asked the Government to do all in their power to induce a neutral Power to seek reparation for a violation of neutrality he would ask the House whether this was a fitting case? His hon. Friend had addressed to him a series of questions which it was his duty to answer. His hon. Friend had complained that the proceedings connected with the *Tornado* had been drawn over a space of some years; but he had added to the difficulty of which he complained by extending that time back from the capture of the *Tornado* to that of the steam vessel *Matias Cousino*. Then his hon. Friend asked, Whether, in the matter of the *Matias Cousino*, Lord Clarendon, in three several Despatches, dated respectively the 1st of December, 1865, the 20th of December, 1865, and the 20th of February, 1866, and addressed to Sir John Crampton, then Her Majesty's Minister at Madrid, did not insist, on behalf of British subjects, that "The neutral has a right to be tried before a properly constituted Court, and that a civil Judge should try the case, &c.?" No doubt his noble Friend did use that language; but under circumstances altogether different from those described by his hon. Friend in the case of the *Tornado*. In the case of the *Matias Cousino*, the Admiral demanded that the Prize Court should be held on board his own ship, and under his own presidency. Sir John Crampton thereupon pointed out that the Admiral's blockading ship was not the proper place to try such a question, because the parties interested in the vessel had a right to a Court where they could have proper legal assistance. His hon. Friend also asked whether the rights of neutrals thus defined and asserted by Lord Carendon were not admitted by the Spanish Minister De Castro in 1866. On the contrary, Senor De Castro, in his note of the 6th of January, 1866, wrote as follows:—

> "The second consideration which I must notice is that which affirms that, according to International Law, neutrals have a right to require that the Prize Court shall be presided over by a 'civil Judge of sufficient legal experience,' a principle which does not appear to me to be in conformity with what publicists of the highest authority have written on the subject. The Government of the country to which the capturing vessel belongs being the Judge recognized by the Law of Nations who is to decide the legality or illegality of the capture, it delegates its authority to the person or persons it may judge fit, without any nation having the power to indicate the class or category to which they should belong. From this indisputable right of the Sovereign arises the diversity of measures adopted by each country with respect to the tribunal which has to take cognizance of the prizes made by its cruisers, and in Spain the cognizance of cases of prizes is the special province of the naval commanders, with power to appeal from their decision to the Council of State."

His hon. Friend also asked whether the Spanish Minister General Calonge, in a note dated the 21st of November, 1866, and addressed to Sir John Crampton, did not state

> "That the owners of prizes had full liberty by the Spanish law to defend their interests in all stages of the suit, and might also appeal against the sentence given in the first instance, and amplify in the second instance their defence for sustaining that appeal;"

and whether this declaration did not amount—as, in fact, maintained by Lord Stanley—to an authoritative statement on the part of the Spanish Government that a full appeal in prize cases was allowed. This quotation is correct, but, as will be seen by Parliamentary Papers, incomplete (Parl. Papers, 1867; Part I. p. 48). The owners had a full opportunity of defending themselves, but neglected to do so. As regards the question of what occurred in Funchal Roads, that concerned the Portuguese Government alone. His hon. Friend asked, Whether the conduct of the Captain of the Spanish frigate "Gerona," as admitted by himself in engaging another Spanish vessel in Funchal Roads to signal the movements of the "Tornado" to the "Gerona" hovering outside, was not in direct violation of a well-known rule of International Law touching the right of asylum? The fact itself as to the place of seizure was a matter of dispute, and the statements of the claimants could be accepted as disproving counter statements made by the captors. Nor did there appear to be any ground for supposing that the claimants themselves called in question the right of the captain to engage another Spanish vessel to signal the movements of the *Tornado*. What they apparently did call in question was the place of seizure, and this, as had been above stated, was a matter of dispute. Then it was asked, Whether it is not a fact that the "Tornado" was fired into and her capture effected in Portuguese waters; and whether this fact has been brought by Her Majesty's Government under the notice of the Governments of Portugal and Spain? The answer to that was this — The claim for exemption from the exercise of belligerent rights on the ground of the neutrality of the place of capture ought properly to be made by the neutral State, and not by the State to which the captured vessel was alleged to belong; and though it was competent to a neutral State to allege that the vessel said to be the property of her subject was not captured in a place where the right of the belligerent could be lawfully exercised, nevertheless the captor might reply that he had evidence to prove that the vessel was not the property of the subject of the neutral State, but of his enemy, and that if any reclamation was to be made on this ground it could only be made by the other neutral whose territorial rights had been impugned. The fact itself, if not urged by the neutral, was one to be urged by the claimants before the Prize Court. In answer to other questions he might say that the *sumario*, which was what was probably meant by the first trial, did take place before a Prize Court; but he was not able to state whether that Court was exclusively composed of naval officers sitting without the advice of legal assessors. One of their number, however, was Senor Galvez, the auditor. The second Court did pronounce a sentence of condemnation, one of their number being the licentiate José Gonsalez Tellez Warleta. As to whether the claimants were advised by their Spanish counsel to desist from presenting their defence to the second Court, he could not say; but they seemed in these various proceedings to have been very ill advised. The claimants entered a protest, but allowed judgment to go by default. The statement in the other Questions was not according to the advice which the Government had received; and in matters of such a strictly legal character they were guided by the opinion of the Law Officers of the Crown. As to the Royal Order to which his hon. Friend referred, if he had any curiosity to see it, though it was not in the hands of Her Majesty's Government, he would apply to the Spanish Government to get a copy of it. There would be no difficulty in producing the other Papers. His hon. Friend had made a very serious charge against the Foreign Secretary and the head of the Government, and said that the Prime Minister would lose his popularity in consequence of this affair. But if the loss of popularity by his right hon. Friend was to be only in consequence of not bringing the power of this country to bear on the Spanish Government on account of the *Tornado*, it would be a long time until his hon. Friend would cross to that side of the House. The principle on which Lord Clarendon and all Secretaries of State acted was to maintain the rights of British citizens and ships; but the Foreign Minister of this country being satisfied that that vessel had been tried before a properly-constituted Prize Court in Spain and had been adjudged as good prize, how could he be expected to make a claim of an exceptional and extreme character on the Spanish Government? How could it be expected that the force of this country should be brought to bear upon the Spanish Government in defence of a vessel which had pursued the career that he had described from the Paper, on authority such as he had given? His hon. Friend referred to the £1,500 that had been obtained from the Spanish Government, and said they had extracted from an Italian Government £3,000 in a case in which they had no right. [Mr. BENTINCK explained that he had said it was a case of doubtful right.] Now, in this instance there appeared to be a case of clear guilt. The Spanish Government had throughout denied any liability in the matter, and the Government of this country were satisfied that the *Tornado*, having been engaged in an illegal errand, was justly captured; but in consequence of the appeals of his noble Friend the Secretary of State for Foreign Affairs, and the personal influence he possessed with the Spanish Government, that Government was induced by the statesman whom his hon. Friend accused of writing degrading despatches, to offer the crew, as a matter of kindness and consideration, that sum of £1,500 for the losses they had sustained; and in that arrangement the British Government acquiesced.

MR. EASTWICK said, he had listened with much interest to the explanation of the Under Secretary of State for Foreign Affairs, but, he must confess that, in his opinion, the charges which he had hoped to see cleared away from that Department had not been satisfactorily removed. That explanation did not at all touch the point that, the noble Lord at the head of the Foreign Office having begun his protests in December, 1865, and those protests having been continued, partly by the noble Lord and partly by his successors, up to December, 1868, then in May, 1869, without any scintilla of additional information, as far as they knew, the case was suddenly dropped, and the rather contemptuous refusals of the Spanish Government to give a special tribunal, or enter into any further correspondence in the matter, were meekly accepted. The seizure of the *Tornado* was not an isolated case, but part of a system by which the Spanish Government for some years past had ignored the rights of British subjects. He would not say a word in defence of privateering, but of all nations, no Power in the world had less right to complain of that practice than Spain. It was said they all knew the *Tornado* was a suspected vessel, but the question was not as to suspicion, but as to proof. Was a person suspected of an offence not to be tried according to forms of law. At the instance of the Spanish Minister in London, the *Tornado* was, to use the words of the Custom-house authorities, "watched, searched, rummaged, and re-rummaged," without anything being discovered to justify her detention. After that severe scrutiny, this vessel, declared by the British authorities entitled to the protection of our flag, cleared from Leith, and sailed on the 10th of August, with an English captain and crew against whom there was nothing to prove any criminality. Yet those men, who had engaged themselves innocently, were cruelly treated, barbarously imprisoned, wounded, and stripped of their property by the Spanish authorities. On the 14th of August the Spanish Government issued instructions to the commander of the Spanish 50-gun frigate *Gerona* to pursue the *Tornado* and take her wherever she was found, without asking for her papers, or examining to see if she had contraband of war, or any other justification for seizing her. She was seized accordingly, in neutral waters, near Madeira. The instant she left Funchal she was pursued by the *Gerona*, and could not have reached the place which the Spanish officers said she had done when seized. There was not a tittle of proof that she had got out of neutral waters, while, on the other hand, there were the sworn depositions to the contrary of the English captain and crew; and he owned he was inclined to believe his own countrymen, whose evidence was confirmed by the disinterested testimony of Portuguese sailors. The statements of the Spanish witnesses had been repeatedly shown to be untrustworthy. There was distinct proof that the Spanish Minister for Foreign Affairs had deliberately stated to Sir John Crampton that those English sailors were comfortably lodged on shore, when they were being cruelly imprisoned on board ship. On the 23rd of May, 1867, months after all those trials on which the Under Secretary of State had laid such stress, the Supreme Court of War and Marine pronounced that all that was done had been done in error. He would just refer to similar cases that had occurred. The first he would mention was that of the *Mermaid*, a British vessel sunk by a shot from the fort of Ceuta in October, 1864. In this case, in spite of the depositions on oath of the English captain and crew, who had a narrow escape of being drowned, the Spanish artillerymen had the effrontery to pretend that it could not be their fire that sank the vessel, as they were instructed not to hit her! The next case was that of the *Queen Victoria*, which was seized by a Spanish revenue cutter in January, 1866, and regarding which Lord Stanley declared in 1867, that the capture was lawless and wholly unjustifiable. The noble Lord's statement might stand as a description generally applicable to the proceedings of the Spaniards in these matters. It was as follows:—

> "The original capture was a lawless and wholly unjustifiable act; justice, though frequently demanded has been denied; the sale of the cargo and of the vessel was illegal; and all the proceedings taken against the vessel were not only

> contrary to justice and therefore void, but they must have been taken with a full conviction of their illegality, and were adopted, as Her Majesty's Government are constrained to believe, for the purpose, or in aid of the purpose, of covering or concealing the original lawless act of the captain and crew of the Spanish guarda-costa."

He could mention many other cases of flagrant injustice on the part of the Spanish Courts, but he would simply remind the House of that of Captain Carvell, who went to Peru to obtain the property bequeathed to his wife by her father. He was seized and kept in prison for many months, notwithstanding the representations of Mr. Jerningham, our *Chargé d' Affaires*. Our Consul afterwards declined to interfere, on the ground that he was not sure of being supported by the Government; and Captain Carvell was indebted to the French Consul for having interposed to protect him, and having put him on board a man-of-war. Was that creditable to the British Government? He thought that all those cases were well worthy the consideration of the House.

MR. ALDERMAN LUSK said, he had taken much interest in this matter, because several of the crew were Scotchmen. He believed the ship was guilty; but, as she had been twice visited by the Custom House officers, who pronounced everything to be straightforward, he thought the men who had been kept in prison for five or six months had much to complain of.

THE ATTORNEY GENERAL said, he had never heard a more complete answer than that given by his hon. Friend the Under Secretary of State for Foreign Affairs to the Member for Whitehaven (Mr. Bentinck). The general principle applicable to cases of this kind was, that we had a right to interfere and demand redress from a Foreign Government, if we were really satisfied that some British subject had suffered a wrong for which that Government was responsible, and had failed to obtain redress. But we could not prescribe to foreign countries what exactly ought to be the procedure of their tribunals, and how those tribunals ought to be constituted. Neither could we measure the precise time within which their proceedings should be taken and concluded. If we were satisfied on the whole, that there had been a failure of justice; that the party alleging the grievance had not been heard, and that what ought to be the essential rules of justice in all countries had not been observed, then, and not till then, were we called upon to demand redress. That was the case in the Don Pacifico affair. Now, it appeared from a Paper referred to by the Under Secretary of State that, beyond doubt, the *Tornado* was a privateer, or was engaged in a contraband adventure. The question we had to consider was whether there was before the Spanish tribunals evidence on which they could come to the conclusion that this vessel was a fair prize. He was bound to say that he thought there was such evidence. Consequently, it appeared to him that the ground failed because we had not merits. As to the constitution and procedure of the tribunals a history of that had been given by his hon. Friend the Under Secretary. Although he was of opinion that there had been ground for complaint on the score of delay and also of the ill-treatment of the crew, still it was plain that there was no ground of complaint with regard either to the constitution of the tribunal or its proceedings such as would justify the English Government in disputing the right of Spain to condemn the vessel. The case, after a preliminary examination, came before a Court where the parties had a right to be heard, or where they ought to have been heard; but they declined upon the advice of their counsel, which was doubtless given because counsel knew there was no answer on the merits of the case. Lord Stanley had stated in August, 1868—

> "They had an opportunity of being heard, but did not avail themselves of it, because, as they represent with a perfect consciousness of their own innocence, they knew the vessel would be condemned."

As to the rules of procedure with respect to international remonstrances, before a complaint could be made to a Government about the failure of its tribunals, it must be shown that the subjects of the complaining Government had resorted to those tribunals, and had failed on account of the manifest disregard of some principle of justice. No such case had been made out in this instance, because, after being warned that, if they did not appear, judgment would be given against them, the parties deliberately declined to appear, preferring, he took it, to have a grievance rather than to state their case. There was no ground of complaint against the Foreign Office in the time either of Lord Stanley or of Lord Clarendon; on the contrary, that office had done its duty in having allowed the parties to take their own course, and in having requested the Spanish Government to expedite their proceedings. The Foreign Office, it was true, never consented to become the mere advocates of these parties, and they did not profess to advise them; but they did all they could to procure a fair hearing and a decision with the utmost possible speed. The hon. Member had alluded to the "good old times" when Lord Palmerston acted on the maxim *Civis Romanus sum;* had said that the present Prime Minister would lose popularity, because he did not sufficiently protect Englishmen abroad and the foreign commerce of this country; but he was sure that those who represented the commercial classes would repudiate contraband traders who were reckless as to plunging their country into difficulties. So far from being the friends, they were the bitterest enemies of the mercantile classes; they deserved no sympathy from Parliament, but, on the contrary, they deserved the reprobation of all fair traders and honest men.

HABITUAL CRIMINALS ACT.

QUESTION.

MR. ASSHETON CROSS said, he would beg to ask the Secretary of State for the Home Department, Whether it is his intention to issue any rules or to take any other steps for the guidance of the police as to the duties implied by the words "supervision of the police" in the Habitual Criminals Act, 1869? After a second conviction persons were to be subject to police supervision; and, in order to carry the Act into execution, it was necessary, first, that the criminal as well as the ordinary policeman should know what was meant; and, secondly, that those who had to pass sentence upon prisoners should know how that sentence was likely to be carried out. In some cases he knew that magistrates had declined to put the law in force, except for a very limited time, thinking that its provisions would be very severe upon prisoners; while, in others, they had allowed, as a matter of course, supervision for the full term of seven years. Was it intended that the police should keep a watch over persons who had been twice convicted, and, finding them under suspicious circumstances, should exercise the power vested in them? All that, however, would be useless, if convicted persons had the opportunity of removing to other parts of the country and living there practically unknown, and he, therefore, suggested that such persons should be required to give notice to the police of their removal. It might be said that those who had superintendence of the police should be left to make their own regulations, but he considered it very important that the action should be uniform throughout the kingdom.

MR. BRUCE said, the word "supervision" was certainly open to criticism; for there was no provision defined by the Act, which, however, enacted that persons who had been twice convicted should lose that assumption of innocence which attached to everyone else in this country. The extent to which supervision was ordered by the Habitual Criminals Act was, that the police should exercise special vigilance with regard to those who had been twice previously convicted, but the Act could not define the manner in which that vigilance was to be displayed. The principal security for the public was the system of registration of criminals, which was now being carefully pursued, and would, he hoped, in a short time have excellent effects. Steps were now being taken to photograph criminals, and descriptions of them, and statements of all circumstances likely to lead to their identification, were now circulated, so that habitual offenders might be the more readily recognized. He would consider the recommendation of his hon. Friend, and when they came to discuss the Bill for the Amendment of the Habitual Criminals Act, he should be in a position to say on behalf of the Government whether it was possible to comply with the recommendation, and prepare instructions for general circulation for the use of the police throughout the country.

Amendment, by leave, *withdrawn.*

Original Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

POOR RELIEF (METROPOLIS) BILL.

[BILL 36.] COMMITTEE.

(*Mr. Goschen, Mr. Arthur Peel.*)

Bill *considered* in Committee.

(In the Committee.)

On Question, "That the Preamble be postponed,"

MR. FIELDEN moved that the Chairman report Progress.

After short conversation, Question put.

The Committee *divided:* — Ayes 2; Noes 53: Majority 51.

Clause 1 (Maintenance of in-door poor to be a charge upon the Metropolitan Common Poor Fund).

SIR MICHAEL HICKS BEACH said, he thought that some increase in the staff of the Poor Law Board would be rendered necessary by this clause, which placed a large proportion of the in-door relief, estimated by the right hon. Gentleman at £250,000 a year on the Common Fund. To check this in some degree, he proposed that 4*d.* instead of 6*d.* be taken from the Common Fund for the maintenance of the in-door poor. He begged to move in Clause 1, sub-section 3, line 30, to leave out "sixpence," and insert fourpence.

MR. GOSCHEN said, he would consent to an Amendment making the charge 5*d.*, which would put upon the Common Fund £168,000, while £117,000 would remain on the parishes.

MR. T. CHAMBERS said, he preferred 4*d.*

SIR EDWARD COLEBROOKE said, he was of the same opinion.

MR. SAMUDA said, he also was of opinion that some check should be placed on the disposition to use the Common Fund too freely.

MR. GOSCHEN said, the principle of the Bill was to equalize the rates as far as possible.

SIR MICHAEL HICKS BEACH said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

MR. T. CHAMBERS said, he proposed to omit that part of the clause which authorized the levying of fines upon parishes for not carrying out the orders and regulations of the Poor Law Board.

Amendment proposed, in page 1, line 32, to leave out from the words "If the guardians," to the end of the Clause, inclusive.—(*Mr. Thomas Chambers.*)

MR. W. M. TORRENS said, the clause tended to the suppression of out-door relief, and, therefore, he should support the Motion for its omission.

MR. GOSCHEN said, that if the Boards of Guardians were to draw upon a Common Fund, some authority should exist for the purpose of keeping them up to a common standard. By the end of next year, there would be 11,000 more beds in the metropolis, which he hoped would prevent overcrowding; and it was not the object of this sub-section to give further powers to the Poor Law Board with regard to the enlargement of workhouses, but simply to avoid those dead-locks which sometimes occurred. There were as yet social dangers in a system of out-door relief as in that of in-door relief.

MR. LIDDELL said, he regarded this provision as a blow at out-door relief, and as conferring powers utterly unheard-of before, and he, therefore, thought the matter ought to be discussed in a fuller House.

MR. AYRTON said, the provision did not propose anything new; it only said that when a Board of Guardians neglected to carry out an Order issued under an Act of Parliament, the Board should lose the advantage they enjoyed under that Act.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 38; Noes 14: Majority 24.

Clause *agreed to.*

Clause 2 *struck out.*

Remaining clauses *agreed to.*

Bill *reported;* as amended, to be considered upon *Monday* next.

QUEEN ANNE'S BOUNTY (SUPERANNUATION) BILL.

On Motion of Mr. BOUVERIE, Bill to enable the Governors of Queen Anne's Bounty to provide Superannuation Allowances for their Officers, *ordered* to be brought in by Mr. BOUVERIE and Mr. GATHORNE HARDY.

Bill *presented,* and read the first time. [Bill 114.]

House adjourned at a quarter
after Two o'clock, till
Monday next.

[INDEX.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CC.

SECOND VOLUME OF SESSION 1870.

EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1°, 2°, 3°, or 1ª, 2ª, 3ª, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—R. P., Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

Some subjects of debate have been classified under the following "General Headings:"—ARMY—NAVY—INDIA—IRELAND—SCOTLAND—PARLIAMENT—POOR LAW—POST OFFICE—METROPOLIS—CHURCH OF ENGLAND—EDUCATION—CRIMINAL LAW.

ABERCORN, Duke of
Peace Preservation (Ireland), Comm. *cl.* 29, 979

ACLAND, Mr. T. D., *Devonshire, N.*
Ecclesiastical Commissioners' Grants, 1604

ADDERLEY, Right Hon. Sir C. B., *Staffordshire, N.*
Colonies, Motion for a Committee, 1862
Elementary Education, 2R. 227

Admiralty District Registries Bill
(*Mr. Graves, Viscount Sandon, Mr. Rathbone*)
c. Ordered; read 1° * *April* 27 [Bill 111]

ADVOCATE, The Lord (Right Hon. G. YOUNG), *Wigton, &c.*
Game Laws (Scotland), 2R. 61
Scotland—Law of Hypothec, 723
Procurators Fiscal, 66
Roads and Bridges, 1703

AGAR-ELLIS, Hon. L. G. F., *Kilkenny Co.*
Conventual and Monastic Institutions, Motion for a Committee, 2033
Ireland—Sale of Poison, 984
Peace Preservation (Ireland), 2R. 484

AIRLIE, Earl of
Habitual Criminals, 570

AKROYD, Mr. E., *Halifax*
Factory Acts Extension — Brass-Founders, 1504

ALBEMARLE, Earl of
Habitual Criminals, 566

ALLEN, Major R. S., *Somersetshire, E.*
Railways, Collisions on, 718

Annuity Tax (Edinburgh) Bill
(*Mr. M'Laren, Mr. Miller, Mr. Crum-Ewing*)
c. Moved, "That the Order for the Adjourned Debate on 2R. [2nd March] be discharged" (*Mr. M'Laren*) *Mar* 16, 61; after short debate, Motion agreed to; Order discharged; Bill withdrawn [Bill 4]

Anson, Major Hon. A. H. A., *Bewdley*
Army—Boxer, Colonel, Case of, Motion for a Committee, 2087

Anstruther, Sir R., *Fifeshire*
Irish Land, Comm. *cl.* 3, 1539
Shale Mines, 1966

Appellate Jurisdiction Bill [H.L.]
(*The Lord Chancellor*)
l. Read 2ª, after debate *Mar* 18, 199 (No. 33)
Committee*; Report *April* 8
Committee put off *sine die** *April* 29

Archdall, Capt. M. E., *Fermanagh Co.*
Irish Land, Comm. *cl.* 1, 1015

Argyll, Duke of (Secretary of State for India)
East India (Laws and Regulations), Comm. 66
Parochial Schools (Scotland), 306
Public Offices, New, 1280

Army
Army Medical School, Netley, Question, Mr. Grove; Answer, Mr. Cardwell *Mar* 18, 205
Cadets, Woolwich—Examinations for Admission, Question, Mr. Strutt; Answer, Mr. Cardwell *Mar* 17, 74—*Chelsea Examinations,* Question, Colonel Beresford; Answer, Mr. Cardwell *April* 5, 1283
Canteens, Weights and Measures in, Question, Mr. Stephen Cave; Answer, Mr. Bruce *April* 28, 1963
Cavalry Commissions, Question, Sir John Pakington; Answer, Mr. Cardwell *Mar* 17, 74
Control Department and the Royal Engineers, Question, Mr. White; Answer, Mr. Cardwell *Mar* 21, 317
Cornets and Ensigns, Question, Mr. Pemberton; Answer, Mr. Cardwell *Mar* 18, 207
Field Officers—Sale of Commissions, Question, Mr. Gourley; Answer, Mr. Cardwell *Mar* 21, 318
Military Firearms, Sale of, Question, Mr. Dickinson; Answer, Mr. Cardwell *Mar* 29, 828
"*Military Mismanagement*"—*The* 51*st Regiment,* Question, Colonel Stuart Knox; Answer, Mr. Cardwell *Mar* 24, 571
Militia Orders for 1870, Question, Mr. Beach; Answer, Mr. Cardwell *April* 28, 1967
Militia Quartermasters, Question, Mr. Wingfield Baker; Answer, Mr. Cardwell *Mar* 21, 321
Re-Enlistment, Question, Colonel C. Lindsay; Answer, Mr. Cardwell *Mar* 18, 204
Secretary of State for War, Question, Colonel Stuart Knox; Answer, Mr. Cardwell *Mar* 21, 322
The Colonies—The 18*th Regiment,* Question, Mr. R. Torrens; Answer, Mr. Monsell *April* 25, 1728
The Yeomanry — Training, Question, Mr. Sackville-Stopford; Answer, Mr. Cardwell *Mar* 18, 201

[*cont.*

Army—*cont.*
Unattached Promotions, Question, Viscount Crichton; Answer, Mr. Cardwell *April* 4, 1170
Volunteers—Issue of Rifles, Question, Colonel Wilmot; Answer, Mr. Cardwell *Mar* 29, 829; —*Breech-Loaders,* Question, Lord Elcho; Answer, Mr. Cardwell *April* 29, 2061
Woolwich and Sandhurst, Question, Colonel Beresford; Answer, Mr. Cardwell *April* 5, 1284
Woolwich—Examinations for Admission, Question, Mr. Strutt; Answer, Mr. Cardwell *Mar* 17, 74

Army—Boxer, Colonel, Dismissal of
Amendt. on Committee of Supply *April* 29, To leave out from "That," and add "a Select Committee be appointed to inquire into and report on all the circumstances which led to the resignation of Colonel Boxer of the office he held in the Royal Laboratory" (*Mr. O'Reilly*), 2062; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Army — Report of Military Education Commission
Amendt. on Committee of Supply *April* 8, To leave out from "That," and add "it is not desirable to diminish the value hitherto attached to natural and physical science and the English language, in the examinations for direct commissions, and for admission to the military educational institutions, nor to lessen the importance of those subjects in the subsequent course of instruction and examinations" (*Sir John Lubbock*), 1552; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Army Enlistment Bill
(*Mr. Secretary Cardwell, Captain Vivian*)
c. Ordered; read 1º* *April* 25 [Bill 106]

Assessed Rates Act—Votes of Ratepayers
Question, Mr. Hibbert; Answer, Mr. W. E. Forster *Mar* 17, 75

Attorney General, The (Sir R. P. Collier), *Plymouth*
Bridgwater and Beverley Disfranchisement, 2R. 1787, 1804
Corrupt Practices, Motion for a Committee, 1693, 1695, 1699
Evidence Further Amendment Act Amendment, Comm. *add. cl.* 1419
Irish Land, Comm. *cl.* 1, 763, 777; *cl.* 3, 1527, 1533, 1978
Juries, 2R. 1417
Naturalization, Comm. *cl.* 4, 1737; *cl.* 10, 1740
Norwich Voters Disfranchisement, 2R. 1808
Summary Convictions, 2R. 1420
Spain—Case of the "Tornado," 2131

Attorneys and Solicitors in Ireland, Incorporated Society of—Petition
Petition (*Lord Chelmsford*); Observations thereon *Mar* 25, 636
Postponement of Notice *Mar* 31, 982
Motion for an Address "That Her Majesty will be pleased to issue a Commission to inquire into and report upon the total amount of the sums received by 'The Honourable Society of the King's Inns, Dublin,' upon the admission of attorneys and solicitors as deposits for chambers, and in what manner the same or any part thereof has been applied and disposed of, and what portion of the amount remains unappropriated to the purposes for which it was received, and whether the Incorporated Society of Attorneys and Solicitors of Ireland are in possession of suitable buildings for the accommodation of that branch of the profession of which they are the governing body" (*The Lord Chelmsford*) *April* 8, 1496; after short debate, Motion amended, and agreed to

Attorneys' and Solicitors' Remuneration Bill (*Mr. Rathbone, Mr. George Gregory, Mr. Morley, Mr. Goldney*)
c. Committee *—R.P. *Mar* 30 [Bill 6]
Committee *—R.P. *Mar* 31
Committee—R.P. *April* 6, 1423
Committee *—R.P. *April* 11

Ayrton, Right Hon. A. S. (Chief Commissioner of Works), *Tower Hamlets*
Ballot, 2R. 60
Metropolis—Hyde Park—Ride in Rotten Row, 721, 831, 1505;—Serpentine, The, 1171
Regent's Park Railing, 208
Metropolitan District Railway, 1603
Ordnance Survey, 1599
Parliament—Questions, &c.
Central Hall, The, 322, 422, 640, 2059
Drawings of Mr. Barry, 989
Ladies' Gallery, 1506
Palace of Westminster, 70
Poor Relief (Metropolis), Comm. *cl.* 1, 2136

Aytoun, Mr. R. Sinclair, *Kirkcaldy, &c.*
Canada—Red River Settlement, 1172
Conventual and Monastic Institutions, Motion for a Committee, 902, 1596

Bagwell, Mr. J., *Clonmel*
India—Nawab Nazim of Bengal, The, 1432
Ireland—Glencree Reformatory, 325
Irish Land, Comm. *cl.* 3, 1516, 1518, 2016
Peace Preservation (Ireland), 2R. 366, 478; Comm. *cl.* 8, 581; *cl.* 13, 591; *cl.* 25, 599; *cl.* 27, 679; *cl.* 28, 684; *cl.* 37, 692; Consid. *cl.* 40, 714

Baines, Mr. E., *Leeds*
Factories and Workshops Returns, 1600

Baker, Mr. R. B. Wingfield, *Essex, S.*
Army—Militia Quartermasters, 321

Ball, Right Hon. J. T., *Dublin University*
Evidence Further Amendment Act Amendment, Comm. *add. cl.* 1418
Ireland—Trinity College, Dublin, Res. 1133, 1136
Irish Land, Comm. *cl.* 1, 769, 777, 787; Amendt. 999, 1003, 1007, 1019; *cl.* 2, 1040, 1055; *cl.* 3, 1059, 1060, 1064, 1072, 1079, 1298, 1456, 1475, 1521, 1525, 1989, 1990; Amendt. 1992, 1994, 2001, 2013
Peace Preservation (Ireland), 2R. 387; Comm. *cl.* 13, 585, 587, 591, 595; *cl.* 26, 602; *cl.* 27, 603, 627; *cl.* 37, 689; *cl.* 38, 696; Consid. *cl.* 33, 705, 707, 709; *cl.* 40, 714
Summary Convictions, 2R. 1422

Ballot Bill [Bill 23]
(*Mr. Leatham, Mr. Hardcastle, Mr. Hibbert, Sir Harcourt Johnstone*)
c. Moved, "That the Bill be now read 2º" *Mar* 16, 10
After long debate, Moved, "That the debate be now adjourned" (*Mr. Newdegate*); A. 116, N. 226; M. 110
Original Question again proposed; Moved, "That this House do now adjourn" (*Colonel Barttelot*); after short debate, Question put; A. 110, N. 220; M. 110
Original Question again proposed; after further short debate, Debate adjourned

Bankrupt Law Amendment (Ireland) Bill (*The Marquess of Clanricarde*)
l. Presented; read 1ª *April* 1, 1047 (No. 61)

Baring, Mr. T., *Huntingdon*
Ways and Means—Financial Statement, 1653

Barrington, Viscount, *Eye*
Irish Land, Comm. *cl.* 3, 1276

Barttelot, Colonel W. B., *Sussex, W.*
Ballot, 2R. Motion for Adjournment, 56
Irish Land, Comm. *cl.* 1, 752, 1006, 1033; *cl.* 3, 1063, 1067, 1313, 1435, 1508, 1997, 2001
Ways and Means—Financial Statement, 1656, 1657

Bass, Mr. M. T., *Derby Bo.*
Ecclesiastical Commissioners' Grants, 1604

Bateson, Sir T., *Devizes*
Ireland—Madden, Mr., Case of, Motion for Papers, 916, 918, 930
Peace Preservation (Ireland), 2R. 454, 498

Baxter, Mr. W. E. (Secretary to the Admiralty), *Montrose, &c.*
Navy—"Mutine," The, 319

Bazley, Sir T., *Manchester*
India—Regimental Surgeons, 1425
Ways and Means—Report, Res. 7, 1725

Beach, Sir M. E. Hicks-, *Gloucestershire, E.*
Conventual and Monastic Institutions, Motion for a Committee, 2033
Poor Relief (Metropolis), Comm. *cl.* 1, Amendt. 2135

Beach, Mr. W. W. B., *Hampshire, N.*
Army—Militia Orders for 1870, 1967
Turnpike Roads, Res. 867
Ways and Means—Financial Statement, 1657

Beaumont, Capt. F. E. B., *Durham, S.*
Army—Military Education Commission, Res. 1573

Beaumont, Mr. Somerset A., *Wakefield*
Spain and Portugal, Debts of, 987

Bentinck, Mr. G. A. F. Cavendish-*Whitehaven*
Parliament—Morning Sittings, 727
Peace Preservation (Ireland), Consid. *cl.* 40, 715
Spain—Case of the "Tornado," 2109, 2116, 2121, 2128

Beresford, Colonel F. M., *Southwark*
Army—Woolwich and Sandhurst, 1283, 1284
*Elementary Education, 2R. 257
Metropolis—Burglaries, 727
Prison Workshops, 202

Beverley Election Prosecutions
Question, Mr. Bouverie; Answer, The Solicitor General *Mar* 21, 326

Birley, Mr. H., *Manchester*
Elementary Education, 2R. 274
France—Commercial Treaty, 829

Bourke, Hon. R., *Lynn Regis*
Irish Land, Comm. *cl.* 1, 759; *cl.* 3, 1992, 1993
North Wales Circuit, 1606
Stamps on Leases, 682

Bouverie, Right Hon. E. P., *Kilmarnock, &c.*
Beverley Election Proceedings, 326
Ireland—Trinity College, Dublin, Res. 1144
Irish Land, Comm. *cl.* 2, 1039; *cl.* 3, Amendt. 1333, 1434, 1458, 1507
Navy—Naval Retirement, Res. 166, 211
Peace Preservation (Ireland), Comm. *cl.* 13, 585, 587; *cl.* 22, 598; *cl.* 27, Amendt. 603, 604, 617, 633; Consid. 701; *cl.* 33, Amendt. 704, 708
Suffragan Bishops, 987

Bowring, Mr. E. A., *Exeter*
Suffragan Bishops, 985

Brady, Mr. J., *Leitrim Co.*
Conventual and Monastic Institutions, Motion for a Committee, Motion for Adjournment, 1597, 1598

[*cont.*

Brady, Mr. J.—*cont.*
Ireland—Magisterial Appointments, Motion for Papers, 2091
Irish Land, Comm. *cl.* 1, 762
Medical Acts Amendment, 2R. Motion for Adjournment, 969
Peace Preservation (Ireland), Leave, 108; Comm. *cl.* 26, 602; *cl.* 27, 681; *cl.* 37, 691; *cl.* 38, 696; Consid. *cl.* 39, 713

Brand, Rt. Hon. H. B. W., *Cambridgeshire*
Rugby School, 638

Brewer, Dr. W., *Colchester*
Irish Land, Comm. *cl.* 3, 1077, 1472
Peace Preservation (Ireland), Consid. *cl.* 33, 708
Poor Relief (Metropolis), 2R. Amendt. 1769
Water Supply on Sunday (Metropolis), Leave, 1371

Bridgwater and Beverley Disfranchisement Bill (*Mr. Attorney General, Mr. Solicitor General, Mr. Secretary Bruce*)
c. Ordered; read 1° * *April* 8 [Bill 98]
Moved, "That the Bill be now read 2°" *April* 25, 1787
Amendt. to leave out "now," and add "upon this day three months" (*Colonel Stuart Knox*); Question proposed, "That 'now,' &c.;" after short debate, Question put, and agreed to; main Question put, and agreed to; Bill read 2°

Bright, Mr. Jacob, *Manchester*
Elementary Education, 2R. 247

Brise, Colonel S. B. Ruggles-, *Essex, E.*
Game Laws Amendment, 2R. 6, 7

British Columbia—Water Boundary Question
Questions, Viscount Milton; Answers, Mr. Otway, Mr. Monsell *Mar* 28, 724; Question, Viscount Milton; Answer, Mr. Monsell *Mar* 29, 832; Question, Viscount Milton; Answer, Mr. Otway *April* 11, 1605

Broadley, Mr. W. H. H., *York—E. R.*
Bridgwater and Beverley Disfranchisement, 2R. 1801

Brodrick, Hon. W., *Surrey, Mid.*
Irish Land, Comm. *cl.* 3, 1236; Amendt. 1455

Bruce, Right Hon. H. A. (Secretary of State for the Home Department), *Renfrewshire*
Army—Weights and Measures in Canteens, 1963
Burials, 2R. 546; Amendt. 560
Buxton, M.P., Attempt to Shoot Mr., 2061
Capital Punishment, 1428
Capital Sentences (Revision and Commutation), Leave, 423

[*cont.*

Bruce, Right Hon. H. A.—*cont.*
- Chapel and Schools Site, 1966
- Commutation of Capital Sentences, 421;—Case of Jacob Spinasa, 2103
- Conventual and Monastic Institutions, Motion for a Committee, 887, 1596, 1597, 1598, 2029, 2032, 2033
- Factories and Workshops Returns, 1601
- Factory Acts Extension—Brass-Founders, 1504
- Felony, 2R. 937
- Game Laws Amendment, 2R. 8
- Habitual Criminals Act, 1601, 2134
- Ireland—Political Prisoners, 1582
- Judicial Sentences, 1430
- Lotteries for Poor Schools, 1283
- Metropolis—Burglaries, 728
- North Wales Circuit, 1606
- Parliament — Progress of Public Business, 1707
- Prison Workshops, 202
- Prisons—England and Wales, 1815
- Salmon Fisheries Report, 1965
- Schools, Public, Motion for an Address, 1381, 1382
- Scotland—Industrial School, Glasgow—Case of Alexander Gillespie, 639
- Shale Mines, 1966
- Sites for Places of Worship, 2R. 1396, 1409
- Spanish Bull-Fights at Islington, 989
- Truck Act, 1964
- Turnpike Roads, 573
- Water Supply on Sunday (Metropolis), Leave, 1373
- Wesleyan Ministers in Military Prisons, 1429

Bruce, Sir H. H., *Coleraine*
- Irish Land, Comm. *cl.* 2, 1056; *cl.* 3, 1064, 1330; Amendt. 2019
- Party Processions (Ireland), 2R. 961

Bruen, Mr. H., *Carlow Co.*
- Irish Land, Comm. *cl.* 1, 1001; Amendt. 1013; *cl.* 2, 1057, 1058; *cl.* 3, 1068, 1077, 1248, 1507, 1526, 1535, 1988, 1989, 1993, 1994, 1999, 2011; Amendt. 2017
- Peace Preservation (Ireland), Comm. *cl.* 13, 589; *cl.* 27, 680; *cl.* 34, 686; *cl.* 37, Amendt. 687; *cl.* 38, 696; Consid. *cl.* 39, 712

Bryan, Mr. G. L., *Kilkenny Co.*
- Peace Preservation (Ireland), 2R. 487; Comm. *cl.* 27, Motion for reporting Progress, 633, 635

Burials Bill
(*Mr. Osborne Morgan, Mr. Hadfield, Mr. M'Arthur*)
- *c.* Moved, "That the Bill be now read 2°" *Mar* 23, 513
- Amendt. to leave out "now," and add "upon this day six months" (*Mr. Cross*); after debate, Question put, "That 'now,' &c.;" A. 233, N. 122; M. 111; main Question put, and agreed to; Bill read 2° [Bill 8]
- Moved, "That the Bill be committed for Wednesday the 18th day of May next" (*Mr. Osborne Morgan*)
- Amendt. to leave out "for Wednesday the 18th day of May next," and add "to a Select Committee" (*Mr. Secretary Bruce*); after short debate, Question put, "That the words, &c.;" A. 135, N. 226; M. 91; words added; main Question, as amended, put, and agreed to; Bill committed to a Select Committee; List of the Committee, 561

[*cont.*

Burials Bill—cont.

Burke, Mr. E. Haviland,- *Christchurch*
- County Court Judge of Norfolk, 1174
- India—Despatch to Mr. Cartier—Nawab Nazim, 2057

Bury, Viscount, *Berwick-on-Tweed*
- Colonies, Motion for a Committee, Previous Question moved, 1847, 1871
- Members of Parliament Payment, Leave, 1366
- Peace Preservation (Ireland), Comm. *cl.* 13, 589
- Ways and Means—Financial Statement, 1678

Buxton, Mr. C., *Surrey, E.*
- Irish Land, Comm. *cl.* 3, 1231
- Navy—African Squadron, Res. 851

Buxton, M.P., Attempt to Shoot Mr.
- Question, Colonel French; Answer, Mr. Bruce *April* 29, 2060

Cadogan, Earl
- Wellington, Duke of—Monument, Motion for Papers, 1280, 1281, 1282

Cadogan, Hon. F. W., *Cricklade*
- Greece—Brigandage in, 1817

Cairns, Lord
- High Court of Justice, Comm. 2039, 2056

Callan, Mr. P., *Dundalk*
- Ireland— Magistrates, 209
- Party Processions (Ireland), 2R. 957
- Peace Preservation (Ireland), Leave, 121; 2R. 335; Comm. *cl.* 13, Amendt. 583; *cl.* 26, 602; *cl.* 27, Amendt. 680, 681; Consid. 702

Camperdown, Earl of
- Admiralty, Motion for Papers, 308, 309

Canada—Dominion of
- *Intercolonial Railway Loan*, Question, Mr. Monk; Answer, Mr. Monsell *April* 12, 1702
- *Red River Expedition*, Question, Mr. R. Torrens; Answer, Mr. Monsell *April* 26, 1816
- *Red River Settlement*, Question, Mr. Whalley; Answer, Mr. Monsell *Mar* 17, 73; Question, Mr. Sinclair Aytoun; Answer, Mr. Monsell *April* 4, 1172; Question, Mr. Whalley; Answer, Mr. Monsell *April* 7, 1431
- *Sir Alexander T. Galt*, Question, Mr. Whalley; Answer, Mr. Monsell *Mar* 21, 324; *Mar* 24, 574
- *The Red River*, Postponement of Motion (*Mr. R. Fowler*) *April* 29, 2060

Candlish, Mr. J., *Sunderland*
Ballot, 2R. 57
Burials, 2R. 534
Conventual and Monastic Institutions, Comm. 1597
Peace Preservation (Ireland), Consid. 702; *cl.* 40, 715
Sites for Places of Worship, 2R. 1412
Ways and Means—Financial Statement, 1675; Report, Res. 7, 1725

Cape of Good Hope
Question, Mr. R. N. Fowler; Answer, Mr. Monsell *Mar* 28, 722

Capital Sentences (Revision and Commutation) Bill (*Sir George Jenkinson, Mr. Staveley Hill, Mr. Wren-Hosyns*)
c. Motion for Leave (*Sir G. Jenkinson*) *Mar* 22, 424; Bill ordered; read 1°* [Bill 58]
[See *Criminal Sentences*]

Cardwell, Right Hon. E. (Secretary of State for War), *Oxford City*
Army—Questions, &c.
  Boxer, Colonel, Case of, 2084
  Breech-Loaders for the Volunteers, 829, 2061
  Candidates for the Royal Military Academy, 74
  Cavalry Commissions, 74
  Control Department and the Royal Engineers, 318
  Cornets and Ensigns, 208
  Military Firearms, 829
  Military Mismanagement—51st Regiment, 572
  Militia Orders for 1870, 1967
  Militia Quartermasters, 321
  Netley Army Medical School, 206
  Re-enlistment, 205
  Sale of Commissions, 318
  Secretary of State for War, 322
  Unattached Promotions, 1170
  Woolwich and Sandhurst, 1283, 1284
  Yeomanry, 202
Army—Military Education Commission, Res. 1578
Ireland—Kilmainham Hospital, 719
Ireland—Trinity College, Dublin, Res. 1145
War Office, 3R. 1764

Carnarvon, Earl of
Greece—Murder of British subjects, 1962
Habitual Criminals, 563
National Gallery, Motion for Returns, 317

Carnegie, Hon. C., *Forfarshire*
Army—Military Education Commission, Res. 1573
Irish Land, Comm. *cl.* 3, 2000
Scotland—Law of Hypothec, 723

Cartwright, Mr. W. C., *Oxfordshire*
Greece—Murder of British subjects, 1967

Cave, Right Hon. S., *New Shoreham*
Army—Weights and Measures in Canteens, 1963
Ways and Means—Financial Statement, 1668

Cavendish, Lord G. H., *Derbyshire, N.*
Turnpike Roads, 572; Res. 864

Cawley, Mr. C. E., *Salford*
Burials, 2R. 556

Cecil, Lord E. H. B. G., *Essex, W.*
Army—Military Education Commission, Res. 1567

Chambers, Mr. M., *Devonport*
Attorneys' and Solicitors' Remuneration, Comm. *cl.* 7, 1423

Chambers, Mr. T., *Marylebone*
Conventual and Monastic Institutions, Motion for a Committee, 898
Marriage with a Deceased Wife's Sister, Comm. 1950; *cl.* 1, Amendt. 1959
Poor Relief (Metropolis), 2R. 1779; Comm. *cl.* 1, Amendt. 2135

Chancellor, The Lord (Lord Hatherley)
Criminal Statistics, Address for a Return, 1157
Ecclesiastical Courts, 2R. 63
High Court of Justice, 2R. 169, 195; Comm. 2034, 2053, 2056
Ireland—Incorporated Society of Attorneys, &c., Postponement of Notice, 982; Motion for an Address, Amendt. 1498
Naturalization, Report, 65
Peace Preservation (Ireland), Comm. *cl.* 15, 975; *cl.* 29, 980; *cl.* 38, 981; Report, *cl.* 15, 982

Chancellor of the Exchequer (Right Hon. R. Lowe), *London University*
Bank of Ireland—Payment of Dividends, 1283
Irish Land, Comm. *cl.* 3, 1189
Lighthouses, 574
Spain and Portugal, Debts of, 988
Ways and Means—Financial Statement, 1607, 1657, 1661, 1680, 1682; Report, 1720; Res. 7, 1723, 1734

Chapel and Schools Site Bill
Question, Mr. Owen Stanley; Answer, Mr. Bruce *April* 28, 1966

Chaplin, Mr. H., *Lincolnshire, Mid.*
Irish Land, Comm. *cl.* 3, 1285, 1286

Charities, &c. Exemption Bill
(*Mr. Muntz, Viscount Sandon, Mr. Wheelhouse*)
c. Ordered; read 1°* *April* 26 [Bill 109]

Charley, Mr. W. T., *Salford*
Conventual and Monastic Institutions, Motion for a Committee, 894, 1588
Irish Land, Comm. *cl.* 1, Amendt. 1030, 1033; *cl.* 3, Motion for reporting Progress, 2018
Lotteries for Poor Schools, 1283
Naturalization, Comm. *cl.* 2, 1735; Consid. Amendt. 2025
Peace Preservation (Ireland), Leave, 113; Comm. *cl.* 13, 596; *cl.* 27, 681

Chelmsford, Lord
Habitual Criminals, 570
High Court of Justice, 2R. 188, 192, 199
Ireland—Incorporated Society of Attorneys, &c., Postponement of Notice, 983; Motion for an Address, 1496, 1499
Ireland—Inns of Court, 636
Peace Preservation (Ireland), Comm. 15, 976

Childers, Right Hon. H. C. E. (First Lord of the Admiralty), *Pontefract*
Greece—Murder of British subjects, 1968
Navy—Questions, &c.
  Chatham Dockyard, Discharges from, 1502
  Deptford Dockyard, 1600
  Dockyard Economy, 723
  Dockyard Superannuations, 1168
  Emigration of Artizans, 730
  Letters to the Public Journals, 1426
  "Megæra," H.M.S., 1049
  Naval Retirement, 76; Res. 144, 148; Explanation, 210, 211, 573, 831, 1428
  Pembroke Reach, Rock in, 320
  Promotion, 67
  Sheerness Dockyard, 830
  Sickness on board the "Britannia," 74
Navy—African Squadron, Res. 852
Red Sea Survey, 2059
South Seas—Deportation of Natives, 1427

China
Outrages on Missionaries, Question, Colonel Sykes; Answer, Mr. Otway *Mar* 17, 71
Upper Yangtsze River, Question, Mr. Liddell; Answer, Mr. Otway *April* 11, 1602

Church of England—Suffragan Bishops
Questions, Mr. Bowring, Mr. Bouverie; Answers, Mr. Gladstone *Mar* 31, 985

Churchwardens Eligibility Bill [H.L.]
(*The Earl Beauchamp*)
l. Report * *Mar* 17 (No. 35)
Read 3ª * *Mar* 18
c. Read 1° * *Mar* 23 [Bill 87]
Read 2° * *Mar* 24
Committee *; Report *Mar* 25

"*City of Boston*," *The*
Question, Sir John Pakington; Answer, Mr. Shaw Lefevre *Mar* 17, 68

City of London (Parishes, &c.) Bill
(*Mr. Andrew Johnston, Viscount Sandon, Mr. William Henry Smith*)
c. Read 1° * *Mar* 16 [Bill 74]

Clanricarde, Marquess of
Bankrupt Law Amendment (Ireland), 1R. 1047
Ireland—Crime and Outrage, Motion for Returns, 310
Ireland—Kildare Chapel, Motion for a Paper, 1161, 1167
Peace Preservation (Ireland), Comm. 970; *cl.* 29, 980; *cl.* 38, 981

Clarendon, Earl of (Secretary of State for Foreign Affairs)
Greece—Murder of British Subjects, 1960

Clay, Mr. J., *Kingston-on-Hull*
Bridgwater and Beverley Disfranchisement, 2R. 1802, 1804
Peace Preservation (Ireland), Comm. *cl.* 27, 675
Water Supply on Sunday (Metropolis), Leave, 1372

Cogan, Right Hon. W. H. F., *Kildare Co.*
Conventual and Monastic Institutions, Comm. Amendt. 1588
Irish Land, Comm. *cl.* 1, 761, 772; *cl.* 2, 1035; *cl.* 3, 1452
Peace Preservation (Ireland), Comm. *cl.* 8, 582; *cl.* 13, 589, 595; *cl.* 27, 650; *cl.* 37, 693

Coinage
Motion for Returns (*The Lord Kinnaird*) *Mar* 18, 199; after short debate, Motion negatived

Coinage Bill (*The Marquess of Lansdowne*)
l. Bill read 2ª, after debate *Mar* 18, 200 (No. 36)
Moved, "That the House do now resolve itself into Committee" *Mar* 22, 411
Amendt. to leave out after ("That") and insert ("The Bill be referred to a Select Committee") (*The Lord Kinnaird*); after short debate, Motion withdrawn; original Motion agreed to; Committee
Report *Mar* 24, 561 (No. 45)
Read 3ª * *Mar* 25
Royal Assent *April* 4 [33 *Vict.* c. 10]

Colebrooke, Sir T. E., *Lanarkshire, S.*
Poor Relief (Metropolis), Comm. *cl.* 1, 2135
Ways and Means, Report, Res. 7, 1722

Coleridge, Sir J. D., *see* Solicitor General, The

Collier, Sir R. P., *see* Attorney General, The

Collins, Mr. T., *Boston*
Ballot, 2R. 58
Beverley Election Proceedings, 327
Burials, 2R. 544
House Tax, Res. 1377
Ireland—Trinity College, Dublin, Res. 1144
Irish Land, Comm. *cl.* 2, Motion for reporting Progress, 1046
Marriage with a Deceased Wife's Sister, Comm. 1954; *cl.* 1, 1959
Members of Parliament Payment, Leave, 1368
Peace Preservation (Ireland), Comm. *cl.* 38, 697

Colonies
Waste Lands in the, Question, Mr. Macfie; Answer, Mr. Monsell *Mar* 28, 719

Moved, "That a Select Committee be appointed to inquire into the political relations and modes of official intercommunication between the self-governing Colonies and this Country, and to report whether any or what modifications are desirable, with a view to the maintenance of a common nationality cemented by cordial good understanding" (*Mr. Robert Torrens*) *April* 26, 1817; Previous Question proposed, "That that Question be now put" (*Viscount Bury*); after long debate, Previous Question put; A. 67, N. 110; M. 43

Colonsay, Lord
Habitual Criminals, 570

Colthurst, Sir G. C., *Kinsale*
Irish Land, Comm. *cl.* 3, 1311, 2010

Conolly, Mr. T., *Donegal Co.*
Peace Preservation (Ireland), Leave, 84, 109; 2R. 488, 489

Consolidated Fund (£9,564,191 17s.2 d.) Bill
c. Ordered; read 1° * *Mar* 16
Read 2° * *Mar* 17
Committee *; Report *Mar* 18
Read 3° * *Mar* 21
l. Read 1ª * *Mar* 21
Read 2ª *; Committee negatived *Mar* 22
Read 3ª * *Mar* 24
Royal Assent *Mar* 25 [33 *Vict.* c. 5]

Conventual and Monastic Institutions
Moved, "That a Select Committee be appointed to inquire into the existence, character, and increase of Conventual and Monastic Institutions or Societies in Great Britain, and into the terms, upon which income, property, and estates belonging to such Institutions or Societies, or to members thereof, are respectively received, held, or possessed" (*Mr. Newdegate*) *Mar* 29, 872; after debate, Question put; A. 131, N. 129; M. 2
Division List, Ayes and Noes, 906
Moved, "That the Select Committee on Conventual and Monastic Institutions be nominated by the Committee of Selection" (*Mr. Newdegate*) *April* 8, 1588
Amendt. To leave out from "That the" and add "Order for the appointment of the Committee be discharged" (*Mr. Cogan*); Question proposed, "That the words, &c.;" after short debate, Moved, "That this House do now adjourn" (*Mr. Dodds*); after short debate, Motion withdrawn
Moved, "That the debate be now adjourned" (*Mr. Pease*); A. 76, N. 110; M. 34
Moved, "That this House do now adjourn" (*Mr. Brady*); Question put, and negatived; after further short debate, Debate adjourned
Observations, Mr. Newdegate *April* 25, 1728
Debate resumed *April* 28, 2025

[*cont.*

Conventual and Monastic Institutions—cont.
Moved, "That the debate be now adjourned" (*Mr. Pease*); A. 128, N. 173; M. 45
Moved, "That this House do now adjourn" (*Mr. Herbert*); Motion negatived; after further debate, Debate adjourned

Cook, W. H., Esq., Q.C.—Appointment of, to be County Court Judge of Norfolk
Question, Mr. Haviland-Burke; Answer, The Solicitor General *April* 4, 1174

Corbett, Colonel E., *Shropshire, S.*
Irish Land, Comm. *cl.* 3, 1077

Corrance, Mr. F. S., *Suffolk, E.*
Irish Land, Comm. *cl.* 1, 754; Amendt. 1003, 1013, 1024; *cl.* 3, Amendt. 1065, 1074, 1304; Amendt. 1327, 1331, 1463, 1534, 1983, 1988

Corrupt Practices
Moved, "That a Select Committee be appointed to inquire into the state of the Law affecting such persons as have been reported guilty of Corrupt Practices by any Commission issued in accordance with the Acts 15 & 16 Vic. c. 57, and 31 & 32 Vic. c. 125, and who are now Members of this House, and to recommend what proceedings, if any, should be taken by this House with respect to such Members, and what alteration, if any, should be made in the Law" (*Mr. Gladstone*) *April* 11, 1687
Amendt. to leave out after "inquire into the" and add "operation of the Acts 15 & 16 Vic. c. 57, and 31 & 32 Vic. c. 125, and to recommend what alteration, if any, should be made in the Law; and, further, to inquire into the truth of the allegations contained in Petitions which have been presented to this House during the present Session, praying that an inquiry may be instituted into the conduct of certain Commissioners appointed in accordance with the provisions of the above-recited Acts" (*Mr. Lowther*); Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn; original Question put, and agreed to

Corry, Right Hon. H. T. L., *Tyrone Co.*
Navy—Naval Retirement, Res. 140

County Courts (Buildings) Bill
(*Mr. Ayrton, Mr. Stansfeld*)
c. Ordered; read 1° * *Mar* 28 [Bill 91]
Read 2° * *Mar* 30
Committee *; Report *April* 4
Read 3° * *April* 5
l. Read 1ª * (*The Marquess of Lansdowne*) *April* 8 (No. 70)

Courtown, Earl of
Peace Preservation (Ireland), Comm. *cl.* 38 Amendt. 981

Cowper-Temple, Right Hon. W. F., *Hampshire, S.*
Elementary Education, 2R. 287

Craufurd, Mr. E. H. J., *Ayr, &c.*
War Office, 3R. 1764

Crawford, Mr. R. W., *London*
Telegraph Department, 1172
Ways and Means—Financial Statement, 1654

Crichton, Viscount, *Enniskillen*
Army—Unattached Promotions, 1170
Ireland—Magisterial Appointments, Motion for Papers, 2089
Party Processions (Ireland), 2R. 941

Criminal Courts Procedure (Scotland) Bill (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*)
c. Ordered; read 1°* *April 25* [Bill 107]

Criminal Law
Capital Punishment, Question, Mr. Whalley; Answer, Mr. Bruce *April* 7, 1428
Commutation of Sentences, Question, Sir George Jenkinson; Answer, Mr. Bruce *Mar* 22, 420—*Case of Jacob Spinasa*, Observations, Sir George Jenkinson; Reply, Mr. Bruce; short debate thereon *April* 29, 2098
Habitual Criminals Act, Question, The Earl of Carnarvon; Answer, The Earl of Kimberley; short debate thereon *Mar* 24, 563; Question, Mr. Hunt; Answer, Mr. Bruce *April* 11, 1601; Question, Mr. Assheton Cross; Answer, Mr. Bruce *April* 29, 21
Judicial Sentences, Question, Mr. J. Howard; Answer, Mr. Bruce *April* 7, 1430
Prison Workshops, Question, Colonel Beresford; Answer, Mr. Bruce *Mar* 18, 202
Prisons—England and Wales, Question, Mr. Hibbert; Answer, Mr. Bruce *April* 26, 1814
Spanish Bull-Fights at Islington, Question, Mr. Monk; Answer, Mr. Bruce *Mar* 31, 989
Wesleyan Ministers in Military Prisons, Question, Mr. M'Arthur; Answer, Mr. Bruce *April* 7, 1428

Criminal Sentences, Commutation of
Motion for an Address for "Return of the criminal sentences which have been wholly remitted or reduced or varied by the Crown under the advice of the Secretary of State for the Home Department during the last three years, distinguishing the cases in which the ground of interference was the supposed innocence of the parties, the severity of the sentence, or other causes" (*The Lord Penzance*) *April* 4, 1148; after short debate, Motion withdrawn
Question, Mr. J. Howard; Answer, Mr. Bruce *April* 7, 1430

Cross, Mr. R. Assheton, *Lancashire, S.W.*
Burials, 2R. Amendt. 525, 559
Habitual Criminals Act, 2133
Irish Land, Comm. *cl.* 1, Amendt. 776, 783, 1021, 1024
Members of Parliament Payment, Leave, 1366
Savings Banks, 725

Customs (Isle of Man) Bill
(*Mr. Dodson, Mr. William Henry Gladstone, Mr. Stansfeld*)
c. Acts considered in Committee; Bill ordered; read 1°* *Mar* 21 [Bill 84]
Read 2°* *Mar* 24
Committee*; Report *Mar* 25
Read 3°* *Mar* 26
l. Read 1ª* (*The Marquess of Lansdowne*) *Mar* 28
Read 2ª* *April* 29 (No. 54)

Dalrymple, Mr. D., *Bath*
Juries, 2R. 1417

Damer, Hon. Captain L. S. W. Dawson-, *Portarlington*
Metropolis—Hyde Park—The Serpentine, 1170

Davenport, Mr. W. Bromley-, *Warwickshire, N.*
Birmingham Poor Law Guardians, 1173
Conventual and Monastic Institutions, Motion for a Committee, 2030, 2032

Dease, Mr. E., *Queen's Co.*
Ireland—Goold, Mr., Case of, 1506

Dease, Mr. M. O'Reilly- *Louth Co.*
Marriage with a Deceased Wife's Sister, Comm. 1920

De Grey and Ripon, Earl (Lord President of the Council)
Medical Act Amendment, 1R. 1493
Owens College Extension, 3R. 1147

Delahunty, Mr. J., *Waterford City*
Irish Land, Comm. *cl.* 3, 1340

Denison, Right Hon. J. E. (*see* Speaker, The)

Denison, Mr. C. Beckett-, *Yorkshire, W. R., E. Div.*
Railway Companies, Motion for a Committee, 1908, 1914

Denman, Lord
Appellate Jurisdiction, 2R. 199
High Court of Justice, 2R. 192
Ireland—Kildare Chapel, Motion for a Paper, 1166
Peace Preservation (Ireland), Comm. *cl.* 25, 977

Denman, Hon. G., *Tiverton*
Conventual and Monastic Institutions, Motion for a Committee, 1597
Evidence Further Amendment Act Amendment, Comm. *cl.* 1, Amendt. 1417, 1419
Juries, 2R. 1416
Marriage with a Deceased Wife's Sister, Comm. 1943
Peace Preservation (Ireland), Comm. *cl.* 27, 674
Summary Convictions, 2R. 1419, 1421, 1422

Dent, Mr. J. D., *Scarborough*
Irish Land, Comm. *cl.* 1, 751 ; *cl.* 3, 1331

Derby, Earl of
Peace Preservation (Ireland), 2R. 814 ; Comm. *cl.* 38, 981

Devon, Earl of
Parliament—Palace of Westminster, Motion for Correspondence, 637

Dickinson, Mr. S. S., *Stroud*
Army—Military Firearms, 828
Naturalization, Comm. *cl.* 10, 1742

Dickson, Major A. G., *Dover*
Army—Military Education Commission, Res. 1574

Digby, Mr. K. T., *Queen's Co.*
Irish Land, Comm. *cl.* 2, 1044
Peace Preservation (Ireland), 2R. 462

Dilke, Sir C. W., *Chelsea*
Colonies, Motion for a Committee, 1862, 1895
Elementary Education, 2R. 289
Jamaica—Gordon, The late G. W., 1169
Naturalization, Comm. *cl.* 2, Amendt. 1735
Wimbledon Common, 637

Dillwyn, Mr. L. L., *Swansea*
Supply — Civil Service Estimates, Amendt. 1583, 1584

Disraeli, Right Hon. B., *Buckinghamshire*
Irish Land, Comm. *cl.* 2, 1058 ; *cl.* 3, 1086 ; Amendt. 1176, 1266, 1268, 1433, 1523 ; Amendt. 1994, 1995, 2018
Parliament—Public Business, 996

Divorce and Matrimonial Causes Bill [H.L.] (No. 67)
Divorce and Matrimonial Causes Repeal Bill [H.L.] (*The Lord Penzance*)
l. Presented ; read 1ª * *April* 7 (No. 68)

Dixon, Mr. G., *Birmingham*
Elementary Education, 2R. 303

Dodds, Mr. J., *Stockton*
Conventual and Monastic Institutions, Motion for a Committee, Motion for Adjournment, 1595, 1596

Dodson, Mr. J. G. (Chairman of the Committee of Ways and Means), *Sussex, E.*
Irish Land, Comm. *cl.* 1, 785 ; *cl.* 2, 1057 ; *cl.* 3, 1294, 1434, 1435, 1525, 1995
Peace Preservation (Ireland), Comm. *cl.* 38, 695

Downing, Mr. M'Carthy, *Cork Co.*
Conventual and Monastic Institutions, Motion for a Committee, 2031
Irish Land, Comm. *cl.* 1, 771, 1012, 1013 ; *cl.* 3, Amendt. 1058, 1077, 1324, 1453, 1524, 1991, 1992, 2001
Party Processions (Ireland), 2R. 952, 955
Peace Preservation (Ireland), Leave, 122 ; 2R. Motion for Adjournment, 410, 424, 484 ; Comm. *cl.* 7, 580 ; *cl.* 10, Amendt. 582 ; *cl.* 13, 584 ; Amendt. 586, 590, 596 ; *cl.* 20, Amendt. 596, 597 ; *cl.* 22, Amendt. 598 ; *cl.* 26, 602 ; *cl.* 27, 635 ; Amendt. 676 ; *cl.* 37, 693 ; *cl.* 38, Amendt. 694, 695, 696, 697 ; Consid. 701 ; *cl.* 33, 707

Dowse, Mr. R. (Solicitor General for Ireland), *Londonderry Bo.*
Ireland—Sale of Poison, 984
Irish Land, Comm. *cl.* 1, 760, 772, 778, 1002, 1012, 1021, 1023 ; *cl.* 2, 1035, 1043 ; *cl.* 3, 1059, 1061 ; Amendt. 1062, 1063, 1064, 1071, 1461, 1525, 1526, 1987, 1989, 1990, 1991, 1992 ; Amendt. 1993, 2012, 2013
Party Processions (Ireland), 2R. 947
Peace Preservation (Ireland), Leave, 123 ; 2R. 354, 364, 365, 489 ; Comm. 578 ; *cl.* 7, 580 ; *cl.* 8, 581 ; *cl.* 11, Amendt. 583 ; *cl.* 13, 584, 585, 586, 592, 593, 594 ; Amendt. 595, 596 ; *cl.* 20, 597 ; *cl.* 22, 598, 599 ; *cl.* 25, *ib.* ; *cl.* 26, 600 ; *cl.* 27, Amendt. 603, 645, 677, 678, 681 ; *cl.* 28, 682, 683, 684 ; *cl.* 30, Amendt. *ib.* ; *cl.* 32, Amendt. 685 ; *cl.* 34, 686 ; *cl.* 37, 691 ; *cl.* 38, 696 ; *add. cl.* 698, 699 ; Schedule A, Amendt. *ib.* ; Consid. *add. cl.* 700, 701, 702 ; *cl.* 2, 704 ; *cl.* 33, 707, 708, 710, 711 ; *cl.* 39, *ib.*, 713

Drainage and Improvement of Lands (Ireland) Supplemental Bill
(*Mr. William Henry Gladstone, Mr. Stansfeld*)
c. Ordered ; read 1° * *Mar* 21 [Bill 83]
Read 2° * *Mar* 24
Committee * ; Report *Mar* 28
Read 3° * *Mar* 29
l. Read 1ª * (*Lord Dufferin*) *Mar* 31 (No. 57)

Dublin Collector-General of Rates Franchise Bill (*Mr. Monk, Sir Patrick O'Brien, Mr. Pim, Sir John Gray*)
c. Read 2° * *Mar* 16 [Bill 61]
Committee * ; Report *Mar* 17
Considered * *Mar* 18
Read 3° * *Mar* 21
l. Read 1ª * (*The Lord Abinger*) *Mar* 22 (No. 44)
Read 2ª * *April* 4
Committee * ; Report *April* 5

Duff, Mr. M. E. Grant (Under Secretary of State for India), *Elgin, &c.*
India—Nawab Nazim of Bengal, The, 1432 ;—
Despatch to Mr. Cartier, 2058
Public Works, 206
Regimental Surgeons, 1426

Dufferin, Lord (Chancellor of the Duchy of Lancaster)
Ireland—Crime and Outrage, Motion for Returns, 314
Ireland—Kildare Chapel, Motion for a Paper, 1166
Peace Preservation (Ireland), 2R. 788; Comm. 973; *cl.* 11, Amendt. 974, 975; *cl.* 15, *ib.*; *add. cl.* 976, 977; *cl.* 29, Amendt. 980; *cl.* 38, 981; Address for Papers, 1501

Dunsany, Lord
Ireland—Kildare Chapel, Motion for a Paper, 1165
Peace Preservation (Ireland), Comm. *cl.* 15, Amendt. 975; *cl.* 23, Amendt. 976, 977; *cl.* 25, 977

East India (Laws and Regulations) Bill
(*The Duke of Argyll*)
l. Committee; Report *Mar* 17, 65 (No. 29)
Read 3^a* *Mar* 18
Royal Assent *Mar* 25 [33 *Vict.* c. 3]

Eastwick, Mr. E. B., *Penryn, &c.*
Colonies, Motion for a Committee, 1836
Naturalization, Comm. *cl.* 7, Amendt. 1739
Navy—Promotion, 67
Spain—Case of the "Tornado," 2129

Ecclesiastical and Diocesan Records
Motion for an Address for "Return from each diocese, stating the places in which the records of all ecclesiastical and diocesan matters are preserved, &c." (*The Lord Romilly*) *Mar* 28, 717; Motion agreed to

Ecclesiastical Business, Fees, &c.
Motion for an Address for "Returns from every Archbishop and Bishop holding a see in England, and from every ecclesiastical registry in England and Wales, of the officers engaged, the amount and nature of the business transacted, and the amount of fees received in their respective offices; likewise of the fee charged for marriage licences, and the number of licences issued in 1867, 1868, and 1869" (*The Earl of Shaftesbury*) *Mar* 28, 716; after short debate, Motion agreed to

Ecclesiastical Commissioners' Grants
Question, Mr. M. T. Bass; Answer, Mr. Acland *April* 11, 1604

Ecclesiastical Courts Bill [H.L.] (No. 26)
(*The Earl of Shaftesbury*)
l. Order for 2R. read *Mar* 17, 62; after short debate, 2R. put off

Ecclesiastical Patronage Transfer Bill [H.L.] (*The Lord Lyttelton*)
l. Presented; read 1^a* *Mar* 29 (No. 55)
Bill read 2^a *April* 5, 1277

Ecclesiastical Titles Act
Question, Mr. Stacpoole; Answer, Mr. Gladstone *April* 28, 1964

Educational Purposes, Taxes for
Question, Mr. Pell; Answer, Mr. Gladstone *Mar* 21, 318

Egerton, Hon. A. F., *Lancashire, S.E.*
Ireland—Trinity College, Dublin, Res. 1143

Elcho, Lord, *Haddingtonshire*
Army—Breech-Loaders for the Volunteers, 2061
Conventual and Monastic Institutions, Motion for a Committee, 1594, 1598
Irish Land, Comm. *cl.* 3, 1063, 1510, 1514, 1526
Parliament—Progress of Public Business, 1711
Peace Preservation (Ireland), Comm. *cl.* 27, 652
War Office, 3R. 1744, 1756
Ways and Means, Report, Res. 7, 1723

Elementary Education Bill
(*Mr. W. E. Forster, Mr. Secretary Bruce*)
c. Order read, for resuming Adjourned Debate on Amendment proposed to Question [14th March], "That the Bill be now read 2^o;" Debate resumed *Mar* 18, 213; after debate, Question put, and agreed to; main Question put, and agreed to; Bill read 2^o [Bill 33]

Ellenborough, Earl of
Admiralty, Motion for Papers, 309

Elphinstone, Sir J. D. H., *Portsmouth*
Conventual and Monastic Institutions, Motion for a Committee, 2032
Greece—Murder of British Subjects, 1968
Navy—Naval Retirement, Res. 163, 165, 831, 1427
War Office, 3R. 1763

Enfield, Viscount, *Middlesex*
Juries, 2R. 1414

Entail (Scotland) Bill
(*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*)
c. Ordered; read 1^o* *April* 25 [Bill 108]

Epping Forest
Question, Mr. Beresford Hope; Answer, Mr. Gladstone *April* 25, 1727

Erskine, Vice Admiral J. E., *Stirlingshire*
Navy—Naval Retirement, Res. 142, 147

Esmonde, Sir J., *Waterford Co.*
Conventual and Monastic Institutions, Motion for a Committee, 2031, 2032
Ireland—Madden, Mr., Case of, Motion for Papers, 816, 817
Irish Land, Comm. *cl.* 3, 1065
Peace Preservation (Ireland), Comm. *cl.* 13, 595; *cl.* 37, 693; Consid. *cl.* 39, Amendt. 713

Evidence Further Amendment Act (1869) Amendment Bill
(*Mr. Denman, Mr. Locke King*)
c. Committee ; Report *April* 6, 1417 [Bill 20]
Considered * *April* 7
Read 3° * *April* 8
l. Read 1ª * (*The Lord Penzance*) *April* 29 (No. 75)

EXCHEQUER, CHANCELLOR of the, *see* CHANCELLOR of the EXCHEQUER

Factories and Workshops Returns
Question, Mr. Baines ; Answer, Mr. Bruce *April* 11, 1600

Factory Acts Extension Act, 1867—*The Brass Founders*
Question, Mr. Akroyd ; Answer, Mr. Bruce *April* 8, 1504

FAWCETT, Mr. H., *Brighton*
ElementaryEducation, 2R. 277
Ireland—Trinity College, Dublin, Res. 1090, 1144

Felony Bill
(*Mr. Charles Forster, Mr. Locke King, Mr. Osborne Morgan*)
c. Bill read 2°, after short debate, and committed to a Select Committee *Mar* 30, 931 ; List of the Committee, 938 [Bill 9]
Report of Select Committee * *April* 25 [Bill 103]

Feudal and Burgage Tenures Abolition (Scotland) Bill
(*The Lord Advocate, Mr. Secretary Bruce*)
c. Read 2° * *Mar* 17 [Bill 48]

FIELDEN, Mr. J., *Yorkshire, W.R., E. Div.*
Poor Relief (Metropolis), Comm. Motion for reporting Progress, 2135
War Office, 3R. Amendt. 1742
Ways and Means—Financial Statement, 1682

FLOYER, Mr. J., *Dorsetshire*
Ballot, 2R. 56
Irish Land, Comm. *cl.* 2, 1041

FORDYCE, Mr. W. D., *Aberdeenshire, E.*
Scotland—Procurators Fiscal, 66

FORSTER, Right Hon. W. E. (Vice President of the Committee of Council on Education), *Bradford*
Assessed Rates Act, 75
Medical Acts Amendment, 2R. 969
Metropolis—Waterside Cattle Market, 1547, 1550
Rugby School, 638

FORSTER, Mr. C., *Walsall*
Felony, 2R. 931

FORTESCUE, Right Hon. Chichester S. (Chief Secretary for Ireland), *Louth Co.*
Ireland—Questions, &c.
Dublin Carriage Act, 1503
Dublin Freemen Commission, 422
Glencree Reformatory, 326
Goold, Mr., Case of, 1506
Magistrates, 209
Press, The, 72
Union Rating, 721
Ireland—Madden, Mr., Case of, Motion for Papers, 919
Ireland—Magisterial Appointments, Motion for Papers, 2093
Irish Land, Comm. *cl.* 1, 744, 748, 781, 784 ; Amendt. 787, 1003, 1007, 1009, 1017, 1019, 1028, 1039, 1040, 1042 ; *cl.* 3, 1059, 1076 ; Amendt. 1078, 1219, 1307, 1329 ; Amendt. 1332, 1334, 1456 ; Amendt. 1458, 1474, 1514 ; Amendt. 1523, 1524, 1525, 1527, 1985, 1988, 1989, 1990, 1993, 1996, 2008, 2009, 2010, 2011, 2012, 2013, 2017, 2018; Amendt. 2019, 2020
Party Processions (Ireland), 2R. 943
Peace Preservation (Ireland), Leave, 81, 110 ; 2R. 442 ; Comm. *cl.* 5, 579 ; *cl.* 7, 580 ; *cl.* 9, 582 ; *cl.* 10, *ib.* ; *cl.* 13, 587, 591, 596 ; *cl.* 20, *ib.*, 597 ; *cl.* 21, *ib.* ; *cl.* 22, 598 ; *cl.* 26, 602 ; *cl.* 27, 659, 666, 680 ; *cl.* 37, 688, 694 ; *cl.* 38, Amendt. 697 ; Consid. *cl.* 2, 703 ; *cl.* 39, 711, 714 ; *cl.* 40, Amendt. *ib.*, 715
Peace Preservation (Ireland) (Damages and Costs), 575, 576

FOWLER, Mr. R. N., *Penryn, &c.*
Canada—Red River Settlement, 2060
Cape of Good Hope, 722
Colonies, Motion for a Committee, 1871
Commutation of Sentences—Case of Jacob Spinasa, 2099
Evidence Further Amendment Act Amendment, Comm. *add. cl.* 1419
Ireland—Trinity College, Dublin, Res. 1146
Natal, 2060
Peace Preservation (Ireland), Comm. *cl.* 27, 633

FOWLER, Mr. W., *Cambridge Bo.*
Irish Land, Comm. *cl.* 1, 759, 1024 ; *cl.* 3, 1073, 1248, 1331 ; Amendt. 1458, 1463, 1487
Ways and Means—Financial Statement, 1673

France
Commercial Treaty, Revision of the, Question, Mr. Birley ; Answer, Mr. Otway *Mar* 29, 829 ; Question, Mr. Vance ; Answer, Mr. Otway *April* 25, 1727
Communication with—Loss of the "Normandy," Questions, Sir William Gallwey, Sir John Pakington ; Answers, Mr. Shaw Lefevre *Mar* 21, 323

FRENCH, Right Hon. Colonel F., *Roscommon Co.*
Buxton, M.P., Attempt to Shoot Mr., 2060
Irish Land, Comm. *cl.* 1, 1000 ; *cl.* 3, 1526
Peace Preservation (Ireland), Comm. *cl.* 5, 579 ; *cl.* 7, 581 ; *cl.* 9, 582 ; *cl.* 22, 599 ; *cl.* 37, 689 ; Consid. *cl.* 39, 712

Friendly Societies Returns
Question, Mr. E. Richards; Answer, Mr. Stansfeld *April* 7, 1430

Gallwey, Sir W. P., *Thirsk*
France — Communication with — Loss of the "Normandy," 323

Game Laws Abolition Bill
(*Mr. Taylor, Mr. Jacob Bright, Mr. White*)
c. Read 1° * *Mar* 16 [Bill 73]

Game Laws Amendment Bill
(*Mr. Philip Wykeham-Martin, Sir David Salomons, Sir Henry Hoare*)
c. Moved, "That the Bill be now read 2°" *Mar* 16, 1; after short debate, Motion withdrawn; Bill withdrawn [Bill 3]

Game Laws Amendment, &c. Bill
(*The Lord Advocate, Mr. Secretary Bruce*)
c. Ordered; read 1° * *April* 11 [Bill 101]

Game Laws (Scotland) Bill [Bill 7]
(*Mr. Loch, Sir Robert Anstruther, Mr. Parker*)
c. Order for 2R. read *Mar* 16, 61; after short debate, 2R. deferred

Garlies, Lord, *Wigtonshire*
Conventual and Monastic Institutions, Motion for a Committee, 2031
Ways and Means—Financial Statement, 1681

Gas and Water Facilities Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Ordered; read 1° * *Mar* 17 [Bill 77]
Read 2° * *April* 29

Gibraltar, Rumoured Cession of
Question, Sir George Jenkinson; Answer, Mr. Gladstone *Mar* 22, 423

Gilpin, Mr. C., *Northampton Bo.*
Commutation of Sentences—Case of Jacob Spinasa, 2101

Gladstone, Right Hon. W. E. (First Lord of the Treasury), *Greenwich*
Army—Boxer, Colonel, Case of, Motion for a Committee, 2089
Colonies, Motion for a Committee, 1898, 1906
Corrupt Practices, Motion for a Committee, 1687
Ecclesiastical Titles, 1964
Educational Purposes, Taxes for, 319
Elementary Education, 2R. 292
Epping Forest, 1727
Gibraltar—Rumoured Cession of, 423
Ireland—Political Prisoners, 78, 79, 321
    Stamp Duty on Leases, 202
    Waste Lands, 210
Ireland—Trinity College, Dublin, Res. 1102, 1119, 1135, 1136, 1143, 1146

[cont.

Gladstone, Right Hon. W. E.—*cont.*
Irish Land, Comm. *cl.* 1, 737, 751, 753, 765, 776, 782, 1000, 1006, 1008, 1009, 1010, 1020, 1023, 1024, 1025, 1030; *cl.* 2, Amendt. 1033, 1036, 1037, 1038, 1045, 1046, 1051, 1053, 1054, 1055, 1058; *cl.* 3, 1061, 1064, 1065, 1069, 1070, 1073, 1084, 1090, 1252, 1268, 1276; Amendt. 1284, 1286, 1292, 1293, 1300, 1317, 1324, 1326, 1332, 1333; Amendt. 1433, 1435, 1436, 1449, 1477, 1507, 1518, 1976, 1986, 1988, 2010, 2013, 2015, 2017, 2018, 2019, 2020
Land, Transfer of, 1048, 1049
Licensing, 999
Marriage with a Deceased Wife's Sister, Comm. 1922
Members of Parliament Payment, Leave, 1357
Metropolis—Thames Embankment, 1602
Navy—Naval Retirement, Res. 164, 165
Parliament—Morning Sittings, 727
    Public Business, 992, 999, 1714, 1716, 2096
Peace Preservation (Ireland), Leave, 116, 121; 2R. 330, 376, 411, 457, 459, 460, 491, 498, 500; Comm. *cl.* 13, 594; *cl.* 27, 632, 634, 635, 652, 670; *cl.* 30, 685; *cl.* 31, *ib.*; *cl.* 38, 696, 699; Consid. 702; *cl.* 2, 704; *cl.* 33, 709; Lords Amendts. Amendt. 1050
Stamp Distributor at Lowestoft, Office of, 722
Suffragan Bishops, 985, 987

Goldney, Mr. G., *Chippenham*
Irish Land, Comm. *cl.* 1, 757, 763, 1011, 1020; *cl.* 3, 1251, 1457, 1986
Peace Preservation (Ireland), Consid. *cl.* 33, 708

Goldsmid, Sir F. H., *Reading*
Naturalization, Comm. *cl.* 2, Amendt. 1735; *cl.* 4, 1738

Gordon, Right Hon. E. S., *Glasgow, &c. Universities*
Irish Land, Comm. *cl.* 3, 2000

Gore, Mr. W. R. Ormsby- *Leitrim Co.*
Irish Land, Comm. *cl.* 3, 2009, 2010, 2017
Peace Preservation (Ireland), Comm. *cl.* 37, 692

Goschen, Right Hon. G. J. (Chief Commissioner of the Poor Law Board), *London*
Birmingham Poor Law Guardians, 1173
Ellesmere Board of Guardians, 420
Poor Law Expenditure, 726
Poor Relief (Metropolis), 2R. 1775, 1783; Comm. *cl.* 1, 2135, 2136

Gourley, Mr. E. T., *Sunderland*
Army—Sale of Commissions, 318
Red Sea Survey, 2059

Graham, Mr. W., *Glasgow*
Scotland—Industrial Schools, Glasgow—Case of Alexander Gillespie, 639

Granville, Earl (Secretary of State for the Colonies)
High Court of Justice, 2R. 194
National Gallery, Motion for Returns, 316, 317
Peace Preservation (Ireland), 2R. 826; Comm. *cl.* 29, 979
Public Offices, New, 1425
Wellington, Duke of—Monument, Motion for Papers, 1282

Graves, Mr. S. R., *Liverpool*
Medical Acts Amendment, 2R. 968
Ways and Means—Financial Statement, 1680

Gray, Sir J., *Kilkenny Bo.*
Ireland—Kilmainham Hospital, 719
Irish Land, Comm. *cl.* 1, 1019; *cl.* 2, 1035, 1043; Amendt. 1052; *cl.* 3, 1451, 1524; Amendt. 1995
Medical Acts Amendment, 2R. 962, 969
Peace Preservation (Ireland), Leave, 122; Comm. *cl.* 13, 584, 591, 592; *cl.* 26, 600, 601; *cl.* 27, 617, 633, 635, 663, 666, 678, 680; *cl.* 32, 685; *cl.* 34, Amendt. 686; Consid. 702, 703; *cl.* 33, 707, 710; *cl.* 40, 715

Greece

Lords—
Capture and Murder of British Subjects, Correspondence (Parts I. and II., 1870) presented (*The Earl of Clarendon*); short debate thereon *April* 28, 1960

Commons—
Murder of Englishmen by Brigands, Question, Mr. Monk; Answer, Mr. Otway *April* 25, 1730; Question, Mr. Cadogan; Answer, Mr. Otway *April* 26, 1817; Questions, Mr. W. C. Cartwright, Sir James Elphinstone; Answers, Mr. Otway, Mr. Childers *April* 28, 1967

Greene, Mr. E., *Bury St. Edmunds*
Conventual and Monastic Institutions, Motion for a Committee, 903

Gregory, Mr. G. B., *Sussex, E.*
Attorneys and Solicitors Remuneration, Comm. *cl.* 7, 1423
Irish Land, Comm. *cl.* 1, 754, 1006; *cl.* 2, 1044; *cl.* 3, 1064, 1077, 1988, 1991; Amendt. 1993
Naturalization, Comm. *cl.* 4, 1737; *cl.* 10, 1740, 1741
Peace Preservation (Ireland), Comm. *cl.* 13, 590; *add. cl.* 699
Sites for Places of Worship, 2R. Amendt. 1319, 1414
Turnpike Roads, Res. 871

Gregory, Mr. W. H., *Galway Co.*
Army—Boxer, Colonel, Case of, Motion for a Committee, 2074, 2087
Irish Land, Comm. *cl.* 1, 756; *cl.* 3, 1303, 1485, 1522; Amendt. 1989, 1994, 1997, 2008, 2014, 2020
Neutrality Laws, 988
Parliament—Palace of Westminster, 70
Peace Preservation (Ireland), Comm. *cl.* 13, 595; *cl.* 37, 693; *cl.* 38, 694, 697

Grey, Earl
High Court of Justice, 2R. 192, 194

Grey, Right Hon. Sir G., *Morpeth*
Ballot, 2R. 47
Burials, 2R. 557
Game Laws Amendment, 2R. 7
Peace Preservation (Ireland), Leave, 109; Comm. 578
Peace Preservation (Ireland)—Damages and Costs, 576

Grieve, Mr. J. J., *Greenock*
Ways and Means, Report, 1720

Grove, Mr. T. F., *Wiltshire, S.*
Army—Netley Army Medical School, 205

Guest, Mr. A. E., *Poole*
Parliament—Palace of Westminster—The Central Hall, 321, 422

Gurney, Right Hon. Russell, *Southampton*
Irish Land, Comm. *cl.* 3, Motion for reporting Progress, 2019

Habitual Criminals Act
Question, The Earl of Carnarvon; Answer, The Earl of Kimberley; short debate thereon *Mar* 24, 563; Question, Mr. Hunt; Answer, Mr. Bruce *April* 11, 1601; Question, Mr. Assheton Cross; Answer, Mr. Bruce *April* 29, 2133

Halifax, Viscount
Coinage, Comm. 419
East India (Laws and Regulations), Comm. 65
Ecclesiastical Courts, 2R. 62

Hamilton, Marquess of, *Donegal Co.*
Irish Land, Comm. *cl.* 1, 758

Hamilton, Right Hon. Lord C., *Tyrone Co.*
Irish Land, Comm. *cl.* 1, 781; *cl.* 3, 1333, 1467, 1541, 1999
Party Processions (Ireland), 2R. 945
Peace Preservation (Ireland), 2R. 374; Comm. *cl.* 37, 692, 694

Hamilton, Lord C. J., *Lynn Regis*
Ballot, 2R. Motion for Adjournment, 59
Ireland—Madden, Mr., Case of, Motion for Papers, 908
Peace Preservation (Ireland), 2R. 478, 484
Ways and Means, Report, Res. 7, 1724

Hamilton, Lord G. F., *Middlesex*
Irish Land, Comm. *cl.* 1, 786

Hanmer, Sir J., *Flint, &c.*
Irish Land, Comm. *cl.* 3, 2000
Sites for Places of Worship, 2R. 1401

Harcourt, Mr. W. Vernon, *Oxford City*
Elementary Education, 2R. 213, 227
Naturalization, Consid. Amendt. 2020, 2024

HARDINGE, Viscount
National Gallery, Motion for Returns, 315

HARDWICKE, Earl of
Admiralty, Motion for Papers, 308, 309

HARDY, Right Hon. Gathorne, *Oxford University*
Ballot, 2R. 35
Burials, 2R. 549
Elementary Education, 2R. 303
Ireland—Trinity College, Dublin, Res. 1144
Irish Land, Comm. *cl.* 1, 774, 1008, 1012, 1025; *cl.* 2, 1038, 1053; *cl.* 3, 1062, 1089, 1202, 1320, 1325, 1433, 1434, 1448, 1449
Peace Preservation (Ireland), Comm. *cl.* 13, 584, 591; *cl.* 27, 610
Poor Relief (Metropolis), 2R. 1781
Religious Tests, Leave, 1813
Sites for Places of Worship, 2R. 1394

HARDY, Mr. J. Stewart, *Rye*
Irish Land, Comm. *cl.* 1, 1026; *cl.* 3, 2010

HARTINGTON, Right Hon. Marquess of (Postmaster General), *New Radnor*
Ballot, 2R. 31, 55
Newspaper Postage to France and Australia, 991
Post Office—Communication with America, 726
Letter Carriers, 1815
Telegraph Department, 1173

HATHERLEY, Lord (see CHANCELLOR, The Lord)

HAY, Rear-Admiral Sir J. C. D., *Stamford*
Conventual and Monastic Institutions, Motion for a Committee, 2032
Navy—Deptford Dockyard, 1600
"Megæra," H.M.S., 1049
Naval Retirement, 76
Sickness on board the "Britannia," 74
War Office, 3R. 1763

HEADLAM, Right Hon. T. E., *Newcastle-upon-Tyne*
Irish Land, Comm. *cl.* 1, Amendt. 738, 747, 748, 759; *cl.* 2, 1043; *cl.* 3, 1068, 1070, 1510; Amendt. 1528, 1969, 1979
Lighthouses, 573

HENLEY, Right Hon. J. W., *Oxfordshire*
Conventual and Monastic Institutions, Motion for a Committee, 2031
Evidence Further Amendment Act Amendment, Comm. *add cl.* 1418
Irish Land, Comm. *cl.* 1, 1023; *cl.* 2, 1056; *cl.* 3, 1309, 1483, 1526, 2010, 2011, 2012
Juries, 2R. 1417
Naturalization, Comm. *cl.* 4, 1737
Peace Preservation (Ireland), 2R. 408; Comm. *cl.* 28, 682, 683; *cl.* 37, 691
Sites for Places of Worship, 2R. 1399
Summary Convictions, 2R. 1422

HENNIKER-MAJOR, Hon. J. M., *Suffolk, E.*
Stamp Distributor at Lowestoft, Office of, 722
Turnpike Roads, Res. 865

HERBERT, Right Hon. Major-General Percy E., *Shropshire, S.*
Army—Military Education Commission, Res. 1578

HERBERT, Hon. Auberon E. W. M., *Nottingham*
Parliament—Blue Books and Parliamentary Papers, 1049

HERBERT, Mr. H. A., *Kerry Co.*
Conventual and Monastic Institutions, Motion for a Committee, Motion for reporting Progress, 2031
Ireland—Trinity College, Dublin, Res. 1146
Irish Land, Comm. *cl.* 1, 1033
Navy—Dockyard Economy, 723
Parliament—The Ladies' Gallery, 1506
Peace Preservation (Ireland), Comm. *cl.* 27, 623; *cl.* 38, 694
Salmon Fisheries Report, 1965

HERMON, Mr. E., *Preston*
Ballot, 2R. 56
Peace Preservation (Ireland), Leave, 121; Comm. *cl.* 34, 686
Ways and Means—Financial Statement, 1676

HERON, Mr. D. C., *Tipperary Co.*
Peace Preservation (Ireland), Comm. *cl.* 27, 658

HEYGATE, Sir F. W., *Londonderry Co.*
Bridgwater and Beverley Disfranchisement, 2R. 1803
Irish Land, Comm. *cl.* 1, 748, 1002, 1009, 1010, 1020, 1023; *cl.* 3, 1980; Amendt. 1986, 1988
Metropolis—Ride in Rotten Row, 721
Peace Preservation (Ireland), Leave, 106; Comm. *cl.* 37, 687
Ways and Means, Report, Res. 7, 1725

HIBBERT, Mr. J. T., *Oldham*
Assessed Rates Act, 75
Ballot, 2R. 54
Burials, 2R. 554
Licensing, 999
Members of Parliament Payment, Leave, 1365
Prisons—England and Wales, 1814

High Court of Justice Bill [H.L.]
(*The Lord Chancellor*)
l. Bill read 2ª, after long debate *Mar* 18, 169
Committee*; Report *April* 8 (No. 32)
Moved, "That the House do now resolve itself in Committee" *April* 29, 2034; after debate, Motion withdrawn; Committee (on Re-comm.) put off *sine die*
Appellate Jurisdiction Bill Committee (on Re-comm.) put off *sine die*, 2057

Hill, Mr. A. Staveley, *Coventry*
- Bridgwater and Beverley Disfranchisement, 2R. 1803
- Corrupt Practices, Motion for a Committee, 1697, 1701
- Evidence Further Amendment Act Amendment, Comm. *add. cl.* 1419
- Norwich Voters Disfranchisement, 2R. Motion for Adjournment, 1808, 1809
- Peace Preservation (Ireland), Comm. *cl.* 13, 590; *cl.* 22, 599; *cl.* 27, 605, 678
- Sites for Places of Worship, 2R. 1398
- Summary Convictions, 2R. 1422

Hoare, Sir H. A., *Chelsea*
- Conventual and Monastic Institutions, Motion for a Committee, 2031
- Elementary Education, 2R. 244
- Ireland—Trinity College, Dublin, Res. Motion for Adjournment, 1143
- Poor Relief (Metropolis), 2R. 1776
- Post Office—Letter Carriers, 1815

Hodgson, Mr. W. N., *Cumberland, E.*
- Greece, Murders in, 1731

Holt, Mr. J. M., *Lancashire, N.E.*
- Conventual and Monastic Institutions, Motion for a Committee, 903

Hope, Mr. A. J. Beresford, *Cambridge University*
- Burials, 2R. 535
- Epping Forest, 1727
- Ireland—Trinity College, Dublin, Res. 1132
- Marriage with a Deceased Wife's Sister, Comm. 1927, 1937
- Parliament—Progress of Public Business, 1709, 1716
- Sites for Places of Worship, 2R. 1410

Horsman, Right Hon. E., *Liskeard*
- Peace Preservation (Ireland), 2R. 401
- Sites for Places of Worship, 2R. 1402

Hoskyns, Mr. C. Wren-, *Hereford City*
- Ordnance Survey, 1599

Houghton, Lord
- Naturalization, Report, *add. cl.* 65

House Tax
- Moved, "That the House Tax is unequally and unfairly assessed, imposes unnecessary restrictions upon the construction of buildings specially adapted for the working classes, and ought to be repealed" (*Mr. Alderman W. Lawrence*) *April* 5, 1374; after short debate, Motion withdrawn

Howard, Mr. J., *Bedford*
- Elementary Education, 2R. 250
- Ireland—Waste Lands, 210
- Judicial Sentences, 1430
- Ways and Means, Report, Res. 7, 1725

Hughes, Mr. T., *Frome*
- Schools, Public, Motion for an Address, 1379

Hunt, Right Hon. G. W., *Northamptonshire, N.*
- Corrupt Practices, Motion for a Committee, 1699
- Habitual Criminals Act, 1601
- Ireland—Trinity College, Dublin, Res. 1145
- Irish Land, Comm. *cl.* 1, 1011; *cl.* 2, 1036, 1037, 1057; *cl.* 3, 1060, 1065, 1070, 1452
- Peace Preservation (Ireland), Comm. *cl.* 13, 592
- Spain and Portugal—Debts of, 988
- Ways and Means—Financial Statement, 1659, 1661

Income Tax Assessment and Inland Revenue Law Amendment Bill
(*The Marquess of Lansdowne*)
- *l.* Read 2^a * *Mar* 17 (No. 37)
- Committee *; Report *Mar* 18
- Read 3^a * *Mar* 22
- Royal Assent *Mar* 25 [33 *Vict.* c. 4]

India
- *Nawab Nazim of Bengal—Despatch to Mr. Cartier*, Question, Mr. Bagwell; Answer, Mr. Grant Duff *April* 7, 1432; Question, Mr. Haviland-Burke; Answer, Mr. Grant Duff *April* 29, 2057
- *Public Works*, Question, Mr. Kinnaird; Answer, Mr. Grant Duff *Mar* 18, 206
- *Regimental Surgeons*, Question, Sir Thomas Bazley; Answer, Mr. Grant Duff *April* 7, 1425

Industrial School, Glasgow — Case of Alexander Gillespie
- Question, Mr. Graham; Answer, Mr. Bruce *Mar* 25, 639

Inverness County, &c. (Boundary) Bill
(*Mr. Cameron, Colonel Grant, Mr. Mackintosh*)
- *c.* Report of Select Committee * *Mar* 18 [Bill 38]
- Re-comm. *; Report *Mar* 21
- Read 3^o * *Mar* 22
- *l.* Read 1^a * (*The Duke of Richmond*) *Mar* 24 (No. 48)

Ireland
- *Attorneys and Solicitors (Ireland)—Incorporated Society of*, Petition (*Lord Chelmsford*); Observations thereon *Mar* 25, 636; Postponement of Notice *Mar* 31, 982; Motion for Address for a Commission (*Lord Chelmsford*) *April* 8, 1496; after short debate, Motion amended, and agreed to
- *Bank of Ireland—Payment of Dividends*, Question, Mr. Sherlock; Answer, The Chancellor of the Exchequer *April* 5, 1283
- *Case of Mr. Goold, R.M.*, Question, Mr. Dease; Answer, Mr. Chichester Fortescue *April* 8, 1506
- *Dublin Carriage Act*, Question, Mr. Pim; Answer, Mr. Chichester Fortescue *April* 8, 1502
- *Dublin Freemen Commission*, Question, Mr. J. Lowther; Answer, Mr. Chichester Fortescue *Mar* 22, 422

[*cont.*

IRELAND—*cont.*

Glencree Reformatory, Question, Mr. Bagwell; Answer, Mr. Chichester Fortescue *Mar* 21, 325

Irish Magistracy, The, Question, Mr. Callan; Answer, Mr. Chichester Fortescue *Mar* 18, 209

Kilmainham Hospital, Question, Sir John Gray; Answer, Mr. Cardwell *Mar* 28, 719

Political Prisoners, Question, Observations, Mr. Moore; Reply, Mr. Gladstone *Mar* 17, 76; *Mar* 21, 320—*Case of " General " Burke*, Observations, Mr. Moore; Reply, Mr. Bruce *April* 8, 1581

Sale of Poison, Question, Mr. Agar-Ellis; Answer, The Solicitor General for Ireland *Mar* 31, 984

Stamp Duties on Leases, Question, Mr. Pim; Answer, Mr. Gladstone *Mar* 18, 202

The Press — " The People," Question, Mr. Kavanagh; Answer, Mr. Chichester Fortescue *Mar* 17, 72

Union Rating, Question, Mr. Kavanagh; Answer, Mr. Chichester Fortescue *Mar* 28, 721

Ireland—Case of Mr. Madden

Motion for " Copies of Correspondence between Mr. John Madden of Hilton Park, Clones, and the Secretary to the Lord Lieutenant of Ireland, in October 1869, relative to the proposed illegal party procession in Dublin on Sunday October 10th; and, of all Correspondence between Mr. Madden and the officials of Dublin Castle, including the Lord Chancellor of Ireland, in the months of December and January last" (*Lord Claud John Hamilton*) *Mar* 29, 908; after debate, Debate adjourned

Ireland—Crime and Outrage

Motion for Returns, Of the counties or other districts of Ireland which have been proclaimed by the Lord Lieutenant from 1st November 1868 up to the present date:

Copies of or extracts from any Correspondence that may have taken place between the Irish Government and lieutenants, deputy lieutenants, or magistrates of counties relative to Crime and Outrage in the years 1868 and 1869 (*The Marquess of Clanricarde*) *Mar* 21, 310; after short debate, resolved in the negative

Ireland—Kildare Chapel

Motion for, Copy of the Reports furnished to the Irish Government of notices posted at and about the chapel of Kildare, calling for a meeting to discuss the conduct of the Duke of Leinster and his agent towards certain of his tenants, and of the meeting and the speeches made thereat after mass on the 25th instant in the chapel yard (*The Marquess of Clanricarde*) *April* 4, 1161; after short debate, Motion withdrawn

Ireland — Magisterial Appointments — Leitrim County

Amendt. on Committee of Supply *April* 29, To leave out from "That" and add "there be laid before this House, a Copy of the Correspondence between the Lord Chancellor of Ireland and the Lieutenant of the county of Leitrim, relative to the appointment of Messrs. Nathaniel Maguire, Francis M'Keon, and Bernard Maguire to the commission of the peace; with Copies of their qualifications, and the Memorial respecting these appointments presented to the Lord Chancellor by a deputation of Magistrates from the said county" (*Viscount Crichton*), 2089; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Sub-Sheriff of Monaghan, Explanation, Colonel Leslie *Mar* 21, 326

Ireland—Trinity College, Dublin

Amendt. on Committee of Supply *April* 1, To leave out from "That" and add "this House regards with satisfaction the Memorial lately presented to the Prime Minister by the Provost, Professors, Tutors, and other authorities of Trinity College, Dublin, in favour of united or undenominational academical education in Ireland, and this House is of opinion that it is highly expedient that the Government should, with the least delay possible, give effect to the prayer of this Memorial by introducing a measure which would not only free the Fellowships, Scholarships, and other emoluments and honours of Trinity College, Dublin, from all religious disabilities, but which would further provide that those who are not members of the Established Church might, within a reasonable time, obtain an adequate influence in the government of the College" (*Mr. Fawcett*), 1090; Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Sir Henry Hoare*); A. 96, N. 232; M. 136

Question again proposed, "That the words, &c.:" Moved, "That this House do now adjourn" (*Mr. Robert Torrens*); after further short debate, Question put, and agreed to

Irish Land Bill

Transfer of Land, Question, Mr. Pim; Answer, Mr. Gladstone *April* 1, 1048

Waste Lands, Question, Mr. J. Howard; Answer, Mr. Gladstone *Mar* 18, 210

Irish Land Bill [Bill 29] (*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright*)

c. Committee *Mar* 28, 730
  Clause 1 (Legality of Ulster tenant-right custom)—R.P.

Committee *Mar* 31, 999
  Clause 1 agreed to
  Clause 2 (Legality of tenant-right custom other than Ulster custom)—R.P.

Committee *April* 1, 1051
  Clause 2 agreed to
  Clause 3 (Compensation in absence of custom)—R.P.

Committee *April* 4, 1176
  Clause 3—R.P.
    Division List, Ayes and Noes, 1272

Irish Land Bill—cont.
Committee *April* 5, 1284
Clause 3—R.P.
Committee *April* 7, 1433
Clause 3—R.P.
Committee *April* 8, 1506
Clause 3—R.P.
Committee *April* 28, 1968
Clause 3—R.P.

Jamaica—The late G. W. Gordon
Question, Sir Charles W. Dilke; Answer, Mr. Gladstone *April* 4, 1169

Japan—Native Christians
Question, Mr. White; Answer, Mr. Otway *Mar* 18, 203

Jenkinson, Sir G. S., *Wiltshire, N.*
Capital Sentences (Revision and Commutation), Leave, 423
Commutation of Capital Sentences, 420;—Case of Jacob Spinasa, 2098
Gibraltar—Rumoured Cession of, 423
Irish Land, Comm. *cl.* 3, 1064, 1323, 1332, 1435, 1538
Turnpike Roads, Res. 858, 871

Jessel, Mr. G., *Dover*
Felony, 2R. 935
Irish Land, Comm. *cl.* 1, 773; *cl.* 3, 1060, 1073
Naturalization, Comm. *cl.* 10, 1742

Johnston, Mr. A., *Essex, S.*
Metropolis—Waterside Cattle Market, 1551

Johnston, Mr. W., *Belfast*
Irish Land, Comm. *cl.* 1, 780; Amendt. 783, 787; Amendt. 1014, 1024
Party Processions (Ireland), 2R. 938
Peace Preservation (Ireland), Comm. *cl.* 13, 586; *cl.* 27, 652

Johnstone, Sir H., *Scarborough*
Metropolis—Hyde Park—Rotten Row, 831

Judges Jurisdiction Bill
(*The Lord Chancellor*)
c. Committee *; Report *Mar* 18 [Bill 60]
Considered * *Mar* 21
Read 3° * *Mar* 22
l. Royal Assent *Mar* 25 [33 *Vict.* c. 6]

Judicial Sentences—Commutation of—see *Criminal Sentences*

Juries Bill
(*Viscount Enfield, Mr. Denman, Mr. Headlam*)
c. Bill read 2°, after debate, and committed to a Select Committee *April* 6, 1414 [Bill 32]

Kavanagh, Mr. A. M., *Carlow Co.*
Ireland—Press, The, 72
Union Rating, 721
Irish Land, Comm. *cl.* 3, 1244, 1453; Amendt. 1458, 1471, 1507, 1523; Amendt. 1989, 2002, 2017, 2019
Peace Preservation (Ireland), 2R. 469

Kimberley, Earl of (Lord Privy Seal)
Habitual Criminals, 568
National Gallery, Motion for Returns, 317
Peace Preservation (Ireland), 2R. 817; Comm. *cl.* 25, 977; *cl.* 38, 981

Kinnaird, Lord
Coinage, Motion for Returns, 199
Coinage, 2R. 201; Comm. Amendt. 413, 418; *cl.* 8, 419; Report, 562
Metalliferous Mines, 2R. 168

Kinnaird, Hon. A. F., *Perth*
Conventual and Monastic Institutions, Motion for a Committee, 905, 1598
Game Laws (Scotland), 2R. 61
India—Public Works, 206
Malta—Council of Government, 2058
Naturalization, Comm. *cl.* 10, 1740
Parochial Schools (Scotland), 307
South Seas—Deportation of Natives, 1427
Ways and Means, 1734

Knatchbull-Hugessen, Mr. E. H. (Under Secretary of State for the Home Department), *Sandwich*
New Romney, 832
Turnpike Roads, Res. 868

Knight, Mr. F. W., *Worcestershire, W.*
Alleged Bribes to Members of Parliament, 212
Game Laws Amendment, 2R. 5
Irish Land, Comm. 730

Knightley, Sir R., *Northamptonshire, S.*
Conventual and Monastic Institutions, Motion for a Committee, 2031

Knox, Hon. Colonel W. Stuart, *Dungannon*
Army—Military Mismanagement, 571, 572
Secretary of State for War, 322
Bridgwater and Beverley Disfranchisement, 2R. Amendt. 1798
Ireland—Madden, Mr., Case of, Motion for Papers, Motion for Adjournment, 930
Ireland—Magisterial Appointments, Motion for Papers, 2091
Irish Land, Comm. *cl.* 2, 1035; Motion for reporting Progress, 1039, 1044; *cl.* 3, 1065, 1326, 2014
Peace Preservation (Ireland), Comm. 576, 578

Lansdowne, Marquess of (Lord of the Treasury)
Coinage, Motion for Returns, 200
Coinage, 2R. 200; Comm. 412, 413, 417; *cl.* 8, 419; Report, 561, 563
Public Offices, New, 1279
Wellington, Duke of—Monument, Motion for Papers, 1281

LAWRENCE, Alderman Sir J. C., *Lambeth*
Emigration of Artizans, 730
Ways and Means, Report, 1719

LAWRENCE, Mr. Alderman W., *London*
House Tax, Res. 1374, 1378
Naturalization, Comm. *cl.* 10, 1740, 1741

LAWSON, Sir W., *Carlisle*
Parliament — Progress of Public Business, 1703

LEATHAM, Mr. E. A., *Huddersfield*
*Ballot, 2R. 10, 34, 46, 54, 60

LEFEVRE, Mr. J. G. Shaw (Secretary to the Board of Trade), *Reading*
"City of Boston," The, 69, 70
France — Communication with—Loss of the "Normandy," 323, 324
Lighthouses, Use of Gas in, 984
Railway Companies, Motion for a Committee, 1911
Railway Trains for Working Men, 727
Railways, Collisions on, 718
Steam Vessels, Loss of, 990

LEITRIM, Earl of
Peace Preservation (Ireland), Address for Papers, 1500

LENNOX, Lord H. G. C. G., *Chichester*
Navy—Naval Retirement, Res. 127

LESLIE, Colonel C. P., *Monaghan Co.*
Ireland—Sub-Sheriff of Monaghan, Explanation, 326

LEWIS, Mr. Harvey, *Marylebone*
Poor Relief (Metropolis), 2R. 1782

Licensing Bill
Question, Mr. Hibbert ; Answer, Mr. Gladstone *Mar* 31, 999

LIDDELL, Hon. H. G., *Northumberland, S.*
Ballot, 2R. 36, 41
China—Upper Yangtsze River, 1602
Navy—African Squadron, Res. 844
Poor Relief (Metropolis), Comm. *cl.* 1, 2136
Sites for Places of Worship, 2R. 1401
Ways and Means—Financial Statement, 1678

Lighthouses
Question, Mr. Headlam ; Answer, The Chancellor of the Exchequer *Mar* 24, 573
Use of Gas in, Question, Mr. Pim ; Answer, Mr. Shaw Lefevre *Mar* 31, 983

LINDSAY, Hon. Colonel C. H., *Abingdon*
Army—Re-enlistment, 204

LISMORE, Viscount
Peace Preservation (Ireland), Comm. *cl.* 38, 981

LOCH, Mr. G., *Wick, &c.*
Game Laws Amendment, 2R. 9
Game Laws (Scotland), 2R. 61

LOCKE, Mr. J., *Southwark*
Metropolis—Waterside Cattle Market, 1549, 1550
Peace Preservation (Ireland), Consid. *cl.* 33, 709
Poor Relief (Metropolis), 2R. 1779

Lodgers' Goods Protection Bill (*Mr. Henry B. Sheridan, Mr. Holms, Mr. Staveley Hill*)
c. Ordered ; read 1° * *April* 6 [Bill 96]

LONDON, Bishop of
Ecclesiastical Business, &c., Motion for Returns, 716
Ecclesiastical Courts, 2R. 63

Lotteries for Poor Schools
Question, Mr. Charley ; Answer, Mr. Bruce *April* 5, 1283

LOWE, Right Hon. R. (see CHANCELLOR of the EXCHEQUER)

Lowestoft—Office of Stamp Distributor at
Question, Mr. Henniker-Major ; Answer, Mr. Gladstone *Mar* 28, 722

LOWTHER, Mr. J., *York City*
Corrupt Practices, Motion for a Committee, Amendt. 1690, 1701
Ireland—Dublin Freemen Commission, 422
Irish Land, Comm. *cl.* 3, 2019
Navy—African Squadron, Res. 847
Peace Preservation (Ireland), 2R. 379, 381 ; Consid. *cl.* 40, 714

LUBBOCK, Sir J., *Maidstone*
Army—Military Education Commission, Res. 1552, 1581

LURGAN, Lord
Peace Preservation (Ireland), 2R. 811

LUSK, Mr. Alderman A., *Finsbury*
Poor Relief (Metropolis), 2R. 1781
Spain—Case of the "Tornado," 2131
Ways and Means, Report, 1720

LYTTELTON, Lord
Ecclesiastical Patronage Transfer, 2R. 1277

LYVEDEN, Lord
Criminal Statistics, Address for a Return, 1157
Peace Preservation (Ireland), Comm. *cl.* 29, 978

McARTHUR, Mr. W., *Lambeth*
Burials, 2R. 543
Wesleyan Ministers in Military Prisons, 1429

McClure, Mr. T., *Belfast*
Irish Land, Comm. *cl.* 1, 1018

Macfie, Mr. R. A., *Leith, &c.*
Patents for Inventions, Motion for a Committee, 1726
Waste Lands in the Colonies, 719
Ways and Means, Report, 1720

McLagan, Mr. P., *Linlithgowshire*
Irish Land, Comm. *cl.* 1, 759 ; Amendt. 1026

McLaren, Mr. D., *Edinburgh*
Annuity Tax (Edinburgh), 2R. Amendt. 61
Turnpike Roads, Res. 870

McMahon, Mr. P., *New Ross*
Irish Land, Comm. 730, 1992, 2001
Naturalization, Comm. *cl.* 2, Amendt. 1734 ; *cl.* 5, 1738
Peace Preservation (Ireland), 2R. 463 ; Comm. *cl.* 20, 597 ; *cl.* 26, 600 ; *cl.* 27, 631, 651 ; Amendt. 678 ; *cl.* 30, Amendt. 684 ; *cl.* 37, 691 ; Consid. *cl.* 33, 707 ; Amendt. 709, 711; *cl.* 39, Amendt. *ib.*

Magniac, Mr. C., *St. Ives*
Colonies, Motion for a Committee, 1868
Navy—African Squadron, Res. 840
Navy—Naval Retirement, Res. 162

Maguire, Mr. J. F., *Cork City*
Conventual and Monastic Institutions, Motion for a Committee, 1598
Irish Land, Comm. *cl.* 1, 1014 ; *cl.* 3, 1249, 1466, 1526
Peace Preservation (Ireland), 2R. 381, 382 ; Comm. *cl.* 26, 602 ; *cl.* 27, 612, 681 ; *cl.* 28, 683 ; *cl.* 31, 685 ; *cl.* 38, 695 ; *add. cl.* Amendt. 698, 699 ; Consid. 702, 703 ; *cl.* 2, 704 ; *cl.* 33, 706, 708

Mallow Borough—Controverted Elections
Judges Certificate and Report read, and ordered to be entered in the Journals of this House *April* 25, 1726

Malta—Council of Government
Question, Mr. Kinnaird ; Answer, Mr. Monsell *April* 29, 2058

Manners, Right Hon. Lord J. J. R., *Leicestershire, N.*
Ireland—Trinity College, Dublin, Res. 1144
Irish Land, Comm. *cl.* 1, 1019 ; *cl.* 2, 1043 ; *cl.* 3, 1064, 1070, 1293, 1296, 1515, 1519, 1520, 1998
Peace Preservation (Ireland), 2R. 431, 444 ; Comm. *cl.* 13, 585, 588 ; *cl.* 27, 669
Sites for Places of Worship, 2R. 1401

Marine Mutiny Bill
(*Mr. Dodson, Mr. Childers, Mr. Stansfeld*)
c. Committee * ; Report *Mar* 21
Read 3° * *Mar* 22
l. Read 1ª * *Mar* 24
Read 2ª * *Mar* 25
Committee * ; Report *Mar* 28
Read 3ª * *Mar* 29
Royal Assent *April* 4 [33 *Vict.* c. 8]

Marlborough, Duke of
Admiralty, Motion for Papers, 307

Marriage with a Deceased Wife's Sister Bill (*Mr. Thomas Chambers, Mr. Morley*)
c. Order for Committee read ; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Thomas Chambers*) *April* 27, 1915
Amendt. To leave out from "That," and add "it is inexpedient to alter the Law of Marriage, which has existed in this country from time immemorial, as to the degrees of kindred and affinity within which Marriages are permitted, until Parliament has considered the whole question whether degrees of affinity should be put on a different footing from the corresponding degrees of consanguinity" (*Mr. Spencer Walpole*) ; Question put, "That the words, &c. ;" A. 184, N. 114 ; M. 70
Division List, Ayes and Noes, 1956
Main Question, "That Mr. Speaker, &c." put, and agreed to ; Committee ; Report [Bill 11]
Considered * *April* 28
Read 3° * *April* 29

Martin, Mr. P. Wykeham, *Rochester*
Game Laws Amendment, 2R. 1, 9
Navy—Chatham Dockyard, Discharges from, 1501

Matthews, Mr. H., *Dungarvan*
Conventual and Monastic Institutions, Motion for a Committee, 1595, 2033
Irish Land, Comm. *cl.* 2, 1044 ; *cl.* 3, 1245, 1526

Medical Act (1858) Amendment Bill
(*The Lord President*)
l. Presented ; read 1ª *April* 8, 1495 (No. 69)

Medical Acts Amendment Bill [Bill 40]
(*Sir John Gray, Mr. Graves*)
c. Moved, "That the Bill be now read 2°" *Mar* 30, 962 ; after short debate, Debate adjourned

Mellor, Mr. T. W., *Ashton-under-Lyne*
Navy—"Mutine," The, 319

Melly, Mr. G., *Stoke-upon-Trent*
Marriage with a Deceased Wife's Sister, Comm. 1937, 1940
Ways and Means—Financial Statement, 1676

Members of Parliament Payment Bill
c. Motion for Leave (*Mr. Taylor*) *April* 5, 1334 ; after debate, Question put ; A. 24, N. 211 ; M. 187

Metalliferous Mines Bill (No. 6)
(*The Lord Kinnaird*)
l. Order for 2R. read *Mar* 18, 163 ; after short debate, 2R. put off

METROPOLIS
Burglaries, Question, Colonel Beresford ; Answer, Mr. Bruce *Mar* 28, 727
Public Parks
Hyde Park, Question, Sir Harry Verney ; Answer, Mr. Ayrton *April* 8, 1505
Regent's Park Railing, Question, Mr. Plimsoll ; Answer, Mr. Ayrton *Mar* 18, 208
The Ride in Rotten Row, Question, Sir Frederick W. Heygate ; Answer, Mr. Ayrton *Mar* 28, 721 ; Question, Sir Harcourt Johnstone ; Answer, Mr. Ayrton *Mar* 29, 831
The Serpentine, Questions, Captain Dawson-Damer, Mr. W. O. Stanley ; Answers, Mr. Ayrton *April* 4, 1170
Thames Embankment, Question, Mr. W. H. Smith ; Answer, Mr. Gladstone *April* 11, 1602
Waterside Cattle Market, Observations, Mr. Samuda ; Reply, Mr. W. E. Forster ; short debate thereon *April* 8, 1543

Metropolitan Buildings and Management Bill (*Sir William Tite, Mr. Bowring*)
c. Ordered ; read 1° * *Mar* 18 [Bill 80]

MIALL, Mr. E., *Bradford*
Burials, 2R. 560

MILTON, Viscount, *Yorkshire, W. R.—S.*
British Columbia—Water Boundary, 724, 725, 832, 1605

Mines Regulation and Inspection Bill (*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*)
c. Committee * ; Report *April* 25 [Bills 12-104]
Shale Mines, Question, Sir R. Anstruther ; Answer, Mr. Bruce *April* 28, 1966

MINTO, Earl of
Parochial Schools (Scotland), 307
Scotland—Police System, 309

MONK, Mr. C. J., *Gloucester*
Canada—Intercolonial Railway Loan, 1702
Conventual and Monastic Institutions, Motion for a Committee, 1597, 1598, 2032
Greece—Murders in, 1730
Marriage with a Deceased Wife's Sister, Comm. 1920
Spanish Bull Fights at Islington, 989

MONSELL, Right Hon. W. (Under Secretary of State for the Colonies), *Limerick Co.*
Army—18th Regiment, 1728
British Columbia—Water Boundary, 725, 832
Canada—Galt, Sir A. T., 324, 574
  Intercolonial Railway Loan, 1702
  Red River Settlement, 73, 1172, 1431 ; —Expedition, 1816, 2060
Cape of Good Hope, 723
Colonies, Motion for a Committee, 1876, 1891
Malta—Council of Government, 2059
Natal, 2060
Sierra Leone—Mr. Justice Huggins, 1606
Waste Lands in the Colonies, 720
West Indies—Colonial Secretary, Nevis, 1604

MONTAGU, Right Hon. Lord R., *Huntingdonshire*
Irish Land, Comm. *cl.* 3, Amendt. 1983, 1986

MOORE, Mr. G. H., *Mayo Co.*
Ireland—Political Prisoners, 76, 79, 320, 360, 1581
Ireland—Madden, Mr., Case of, Motion for a Commission, 928
Irish Land, Comm. *cl.* 1, 773 ; *cl.* 3, 1322, 1528
Party Processions (Ireland), 2R. 955
Peace Preservation (Ireland), 2R. Amendt. 328 ; Comm. *cl.* 7, Amendt. 580 ; *cl.* 13, 591, 594 ; *cl.* 26, Amendt. 600, 603 ; Motion for reporting Progress, 632, 635 ; *cl.* 27, 641 ; *cl.* 28, 683 ; *cl.* 38, 695, 696 ; Consid. *cl.* 39, 713
Sierra Leone—Mr. Justice Huggins, 1606

MORGAN, Mr. G. Osborne, *Denbighshire*
Burials, 2R. 513, 558, 559, 561
Felony, 2R. 934
Naturalization, Comm. *cl.* 10, 1741
Sites for Places of Worship, 2R. 1382

MORLEY, Earl of
Criminal Statistics, Address for a Return, 1154
Metalliferous Mines, 2R. 169
Scotland—Police System, 310

MORLEY, Mr. S., *Bristol*
Ways and Means, Report, 1720

MORRISON, Mr. W., *Plymouth*
Navy—Discharged Dockyard Workmen, 208

Mortgage Debenture Act (1865) Amendment Bill (*Mr. West, Lord Garlies, Mr. Staveley Hill*)
c. Ordered ; read 1° * *Mar* 17 [Bill 78]
Read 2° * *April* 27

MOWBRAY, Right Hon. J. R., *Oxford University*
Schools, Public, Motion for an Address, Motion for Adjournment, 1381
Sites for Places of Worship, 2R. 1413

MUNDELLA, Mr. A. J., *Sheffield*
Elementary Education, 2R. 236
Parliament—Progress of Public Business, 1709

MUNTZ, Mr. P. H., *Birmingham*
Peace Preservation (Ireland), Comm. *cl.* 27, 648

MURPHY, Mr. N. D., *Cork City*
Peace Preservation (Ireland), 2R. 477

Mutiny Bill (*Mr. Dodson, Mr. Secretary Cardwell, The Judge Advocate*)
c. Committee * ; Report *Mar* 21
Read 3° * *Mar* 22
l. Read 1ª * *Mar* 24
Read 2ª * *Mar* 25
Committee * ; Report *Mar* 28
Read 3ª * *Mar* 29
Royal Assent *April* 4 [33 *Vict.* c. 7]

Natal—Withdrawal of Troops from
Question, Mr. R. Fowler; Answer, Mr. Monsell *April* 29, 2060

National Gallery
Motion for "Copies of Correspondence between the Office of Works and the Architect of the new National Gallery respecting the designs for the new building" (*Viscount Hardinge*) *Mar* 21, 315; after short debate, Motion withdrawn

Naturalization Bill
(*The Lord Chancellor*)
l. Report *Mar* 17, 65 (Nos. 18-31)
Read 3ª* *Mar* 18 (No. 39)
c. Read 1°* *Mar* 22 [Bill 86]
Read 2°* *April* 1
Committee; Report *April* 25, 1734
Considered *April* 28, 2020

NAVY
Coal for the Navy—H.M.S. "Megæra," Question, Sir John Hay; Answer, Mr. Childers *April* 1, 1049

Dockyards
Deptford Dockyard, Question, Sir John Hay; Answer, Mr. Childers *April* 11, 1600
Discharged Dockyard Workmen, Question, Mr. Morrison; Answer, Mr. Stansfeld *Mar* 18, 208
Discharges from Chatham Dockyard—Case of Mr. Holden, Question, Mr. P. W. Martin; Answer, Mr. Childers *April* 8, 1501
Dockyard Economy, Question, Mr. H. A. Herbert; Answer, Mr. Childers *Mar* 28, 723
Dockyard Superannuations, Question, Mr. Stone; Answer, Mr. Childers *April* 4, 1168
Dockyards—Emigration of Artizans, Question, Sir James Lawrence; Answer, Mr. Childers *Mar* 28, 730
Pembroke Dockyard—Rock in Pembroke Reach, Question, Mr. Scourfield; Answer, Mr. Childers *Mar* 21, 320
Sheerness Dockyard—Discharge of Workmen, Question, Mr. Pemberton; Answer, Mr. Childers *Mar* 29, 830

Letters to the Public Journals—Commander Gurdon, Question, Mr. R. Shaw; Answer, Mr. Childers *April* 7, 1426
Naval Retirement—The new Scheme, Question, Mr. Eastwick; Answer, Mr. Childers *Mar* 17, 67; Question, Sir John Hay; Answer, Mr. Childers, 76; Question, Mr. Hanbury Tracy; Answer, Mr. Childers *Mar* 24, 573; Question, Sir James Elphinstone; Answer, Mr. Childers *Mar* 29, 831; *April* 7, 1427
Red Sea Survey, Question, Mr. Gourley; Answer, Mr. Childers *April* 29, 2059
Sickness on Board the "Britannia," Question, Sir John Hay; Answer, Mr. Childers *Mar* 17, 74
The "Mutine," Question, Mr. Mellor; Answer, Mr. Baxter *Mar* 21, 319

Naval Retirement
Amendt. on Committee of Supply *Mar* 17, To leave out from "That" and add "it is inexpedient to retire Flag Officers from the active list of the Navy for any other cause but age or physical infirmity, and thus add to the public charge" (*Lord Henry Lennox*), 127; Question proposed, "That the words, &c.;" after long debate, Question put; A. 169, N. 136; M. 33
Sir Spencer Robinson, Explanation, Mr. Childers *Mar* 18, 210

Navy—Admiralty
Motion for "Copy of Correspondence between the Admiralty and the Treasury, &c., relative to the organization of the Admiralty: Naval Promotion and Retirement: the condition and organization of the Naval Hospitals: Report by the Earl of Camperdown on the arrangements of Her Majesty's Victualling Yard," [and other Papers] (*The Duke of Marlborough*) *Mar* 21, 307; after short debate, Motion amended, and agreed to

Navy—African Squadron
Moved, "That, in the opinion of this House, the African Squadron ought to be materially reduced at the earliest practicable date" (*Mr. Rylands*) *Mar* 29, 833; after debate, Motion withdrawn

Neutrality Laws, The—Report of the Commission
Question, Mr. W. H. Gregory; Answer, Mr. Otway *Mar* 31, 988

NEVILLE-GRENVILLE, Mr. R., *Somersetshire, Mid.*
Bridgwater and Beverley Disfranchisement, 2R. 1796
Parliament—Public Business, 1719
Ways and Means, Res. 7, 1723

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
Ballot, 2R. 45; Motion for Adjournment, 46, 59
Burials, 2R. 557
*Conventual and Monastic Institutions, Motion for a Committee, 872, 905, 1588, 1595, 1597, 1598, 1728, 2026, 2029, 2030, 2032, 2033
Irish Land, Comm. 735; *cl.* 2, 1052; *cl.* 3, 1489
Peace Preservation (Ireland), 2R. 336; Comm. *cl.* 27, 630, 673
Sites for Places of Worship, 2R. 1392, 1405, 1413, 1414
War Office, 3R. 1762

New Romney
Question, Mr. W. M. Torrens; Answer, Mr. Knatchbull-Hugessen *Mar* 29, 833

New Writs Issued
Mar 21—*For* Bristol, *v.* The Honourable Francis Henry Fitz-Hardinge Berkeley, deceased
Mar 25—*For* Newark, *v.* Edward Denison, esquire, deceased
April 1—*For* Devon County (Eastern Division), *v.* Lord Courtenay, Chiltern Hundreds
April 28—*For* Mallow, *v.* Henry Munster, esquire, void Election
For Mayo County, *v.* George Henry Moore, esquire, deceased
April 29—*For* Longford County, *v.* The Honourable Reginald James Macartney Greville-Nugent, void Election

New Members Sworn
Mar 29—Elisha Smith Robinson, esquire, *Bristol*
April 4—Samuel Boteler Bristowe, esquire, *Newark*
April 11—John Henry Kennaway, esquire, *Devon County* (Eastern Division)

New Peer
April 28—George Carr Glyn, esquire, Baron Wolverton of Wolverton in the county of Buckingham

Sat First
Mar 18—The Lord Boston, after the death of his Father

Mar 28—James Bishop of Manchester
April 5 — Marcus Gervais Archbishop of Armagh

Representative Peer for Ireland
(Writs and Returns.)
April 7—The Earl of Lanesborough, *v.* Lord Crofton, deceased

Northcote, Right Hon. Sir S. H., *Devonshire, N.*
Ballot, 2R. 51
Burials, 2R. 558
Rugby School, 638

North Wales Circuit
Question, Mr. Bourke ; Answer, Mr. Bruce *April* 11, 1606

Norwich Voters Disfranchisement Bill
(*Mr. Attorney General, Mr. Solicitor General, Mr. Secretary Bruce*)
c. Ordered ; read 1° * *April* 8 [Bill 99]
Moved, "That the Bill be now read 2°" *April* 25, 1806
Amendt. to leave out "now" and add "upon this day three months" (*Mr. Frederick Walpole* ; after short debate, Question, "That 'now,' &c." put, and agreed to ; main Question put, and agreed to ; Bill read 2°

Norwood, Mr. C. M., *Kingston-upon-Hull*
Bridgwater and Beverley Disfranchisement, 2R. 1799

O'Brien, Sir P., *King's Co.*
Irish Land, Comm. *cl.* 3, 1070, 1240
Peace Preservation (Ireland), Leave, 112 ; Comm. *cl.* 13, 595

O'Conor Don, The, *Roscommon Co.*
Ireland—Trinity College, Dublin, Res. 1113, 1117
Irish Land, Comm. *cl.* 1, 771
Peace Preservation (Ireland), Comm. *cl.* 13, 592 ; *cl.* 38, 697

O'Donoghue, The, *Tralee*
Irish Land, Comm. *cl.* 1, 1011, 1015 ; *cl.* 3, 1454
Peace Preservation (Ireland), Comm. *cl.* 27, 608

Ogilvy, Sir J., *Dundee*
Irish Land, Comm. *cl.* 3, Amendt. 2002
Post Office—Communication with America, 726

O'Neill, Hon. E., *Antrim Co.*
Party Processions (Ireland), 2R. 958

Oranmore and Browne, Lord
Peace Preservation (Ireland), 2R. 806

Ordnance Survey Works
Question, Mr. Wren-Hoskyns ; Answer, Mr. Ayrton *April* 11, 1599

O'Reilly, Mr. M. W., *Longford Co.*
Army—Boxer, Colonel, Case of, Motion for a Committee, 2062, 2076, 2077, 2084, 2089
Irish Land, Comm. *cl.* 1, 764 ; *cl.* 3, 1453, 1998
Peace Preservation (Ireland), Comm. *cl.* 13, 588

Osborne, Mr. R. B., *Waterford City*
Ballot, 2R. 38
Irish Land, Comm. *cl.* 2, 1054 ; *cl.* 3, 1061, 1294
Parliament—Progress of Public Business, 1705
Peace Preservation (Ireland), Comm. *cl.* 27, 653, 658
Ways and Means, Report, Res. 7, 1721

Otway, Mr. A. J. (Under Secretary of State for Foreign Affairs), *Chatham*
British Columbia—Water Boundary, 724, 1605
China—Missionaries, Outrage on, 71, 72
Upper Yangtsze River, 1602
France—Commercial Treaty, 830, 1727
Greece — Murder of British Subjects, 1730, 1731, 1817, 1967
Japan—Native Christians, 203
Neutrality Laws, 988
Spain—Case of the "Tornado," 2120
Turkey—Sporades Islands, 1169

Owens College Extension Bill
l. Report * *Mar* 31
After short debate, Bill read 3ᵃ and passed *April* 4, 1147

Oyster and Mussel Fisheries Supplemental Bill
(*Mr. Shaw Lefevre, Mr. John Bright*)
c. Re-comm.* *Mar* 31 [Bill 34]
Read 3° * *April* 4
l. Read 1ª * (*The Lord Privy Seal*) *April* 5 (No. 62)

Oyster and Mussel Fisheries Supplemental (No. 2) Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Ordered ; read 1° * *April* 11 [Bill 100]
Read 2° * *April* 26

PAKINGTON, Right Hon. Sir J. S., *Droitwich*
Army—Cavalry Commissions, 74
Army—Boxer, Colonel, Case of, Motion for a Committee, 2074, 2077
"City of Boston," The, 68, 70
Commutation of Sentences—Case of Jacob Spinasa, 2108
Navy—African Squadron, Res. 849
Navy—Naval Retirement, Res. 147, 148, 155
"Normandy," Loss of the, 324
Parliament—Public Business, 1717
Steam Vessels, Loss of, 990
War Office, 3R. 1759, 1768

PALK, Sir L., *Devonshire, S.*
Conventual and Monastic Institutions, Motion for a Committee, 2032
Parliament—Business of the House—Education, 2094

PALMER, Sir R., *Richmond*
Attorneys and Solicitors Remuneration, Comm. *cl.* 10, Amendt. 1423
Corrupt Practices, Motion for a Committee, 1700
Irish Land, Comm. *cl.* 1, 744, 779, 1001 ; *cl.* 2, 1042 ; *cl.* 3, 1059, 1089, 1210, 1449, 1469, 1471, 1488, 1508, 1511, 1536, 1991, 1994, 2000
Marriage with a Deceased Wife's Sister, Comm. 1945
Naturalization, Comm. *cl.* 2, 1736 ; *cl.* 4, 1738; *cl.* 7, 1739 ; *cl.* 10, 1741 ; Consid. 2021, 2025
Peace Preservation (Ireland), Comm. *cl.* 13, 585, 586, 587 ; *cl.* 27, 615, 623, 680

PALMER, Mr. J. Hinde, *Lincoln City*
Railway Companies, Motion for a Committee, Amendt 1910
Sites for Places of Worship, 2R. 1400

PARKER, Mr. C. S., *Perthshire*
Army—Military Education Commission, Res. 1575
Scotland—Roads and Bridges, 1703

Parliament
LORDS—
Conduct of Business—Parochial Schools (Scotland) Bill, Observations, Lord Redesdale ; Reply, The Duke of Argyll ; short debate thereon *Mar* 21, 304

PARLIAMENT—LORDS—*cont.*
Palace of Westminster, Motion for "Copy of Correspondence between the First Commissioner of Works and Mr. Edward Barry, during the present year, respecting his duties as architect to the New Palace of Westminster" (*The Earl of Devon*) *Mar* 25, 637
Easter Recess, House adjourned on Friday, April 8, to Thursday, April 28

COMMONS—
Alleged Bribes to Members of Parliament, Observations, Mr. Knight *Mar* 18, 212
Blue Books and Parliamentary Papers—Free Libraries, Question, Mr. Auberon Herbert ; Answer, Mr. Stansfeld *April* 1, 1049

Business of the House
Morning Sittings, Observations, Mr. Bentinck ; Reply, Mr. Gladstone *Mar* 28, 727
Public Business, Question, Mr. Whitbread ; Answer, Mr. Gladstone ; short debate thereon *Mar* 31, 992
Progress of Public Business—Adjournment for Easter *April* 12, 1703
Education Bill, Observations, Sir Lawrence Palk ; Reply, Mr. Gladstone *April* 29, 2094
Easter Recess, House at its rising adjourn to Monday the 25th April *April* 12

Palace of Westminster
Question, Mr. W. H. Gregory ; Answer, Mr. Ayrton *Mar* 17, 70
Central Hall, The, Questions, Mr. A. E. Guest, Colonel Sykes ; Answers, Mr. Ayrton *Mar* 21, 322 ; Question, Mr. A. E. Guest ; Answer, Mr. Ayrton *Mar* 22, 422 ; Question, Colonel Sykes ; Answer, Mr. Ayrton *Mar* 25, 640 ; Question, Mr. A. Seymour ; Answer, Mr. Ayrton *April* 29, 2059
Drawings and Plans of Mr. Barry, Question, Mr. Tipping ; Answer, Mr. Ayrton *Mar* 31, 988
Ladies' Gallery, The, Question, Mr. H. A. Herbert ; Answer, Mr. Ayrton *April* 8, 1506

Privilege—Letters to the Public Journals—Commander Gurdon, Question, Mr. R. Shaw ; Answer, Mr. Childers *April* 7, 1426

Party Processions (Ireland) Bill
(*Mr. William Johnston, Viscount Crichton, Captain Archdall*)
c. Bill read 2°, after short debate *Mar* 30, 938 [Bill 26]

PATTEN, Right Hon. Colonel J. W., *Lancashire, N.*
Ballot, 2R. 54
Irish Land, Comm. *cl.* 1, 1008, 1022 ; *cl.* 3, 1073
Party Processions (Ireland), 2R. 950
Peace Preservation (Ireland), Leave, 108; 2R. 346, 355, 357, 358, 359, 382, 500 ; Comm. *cl.* 37, 691

Pawnbrokers
Select Committee appointed, "to inquire into the state of the Law affecting the Pawn broking Trades, with a view to its consolidation and amendment" (*Mr. Plimsoll*) ; List of the Committee *April* 4, 1276

[*cont.*

Pawnbrokers Bill
(*Mr. Plimsoll, Mr. Sidebottom*)
c. Ordered; read 1° * *Mar* 17 [Bill 79]
Bill withdrawn * *Mar* 31

Peace Preservation (*Ireland*) *Act*
Address for, Returns relating to the proclamation of certain townlands in the county of Donegal; and other Returns relating to the murder of William O'Brien, in the lands of Drumdoo, in the parish of Mohill, in the county of Leitrim (*The Earl of Leitrim*) *April* 8, 1500; after short debate, Motion amended, and agreed to

Peace Preservation (Ireland) Bill
(*Mr. Chichester Fortescue, Mr. Secretary Bruce, Mr. Solicitor General for Ireland*)
c. Motion for Leave (*Mr. Chichester Fortescue*) *Mar* 17, 81; after debate, Bill ordered; read 1° * [Bill 75]
Moved, "That the Bill be now read 2°" *Mar* 21, 328
Amendt. to leave out "now" and add "upon this day six months" (*Mr. Moore*); Question proposed, "That 'now' &c.;" after long debate, Debate adjourned
Debate resumed *Mar* 22, 424; after long debate, Question put; A. 425, N. 13; M. 412 Division List, Ayes and Noes, 509
Main Question put, and agreed to; Bill read 2°
Rev. Mr. Evers, P.P., Observations, Mr. Chichester Fortescue *Mar* 24, 575
Committee—R.P. *Mar* 24, 576
Committee *Mar* 25, 641; House adjourned till Nine o'clock
Committee; Report *Mar* 25, 682 [Bill 88]
Considered *Mar* 26, 700; after debate, Bill read 3°
l. Read 1ª * (*The Lord Dufferin*) *Mar* 28 (No. 53)
Bill read 2ª, after debate *Mar* 29, 788
Committee, after short debate *Mar* 31, 970; Standing Orders Nos. 37 and 38 dispensed with; Bill read 3ª
Returned from the Commons with several of the Amendts. made by the Lords agreed to, and one disagreed to, for which they assign a reason *April* 1
Commons' reason for disagreeing to one of the Amendts. made by the Lords considered; Moved not to insist on the Lords' Amendt. to which the Commons have disagreed; on Question, agreed to, 1047
c. Lords' Amendts. considered *April* 1, 1050
Amendts., as far as the Amendt. in Clause 38, page 18, line 18, agreed to
Clause 38, pages 18 and 19, read a second time, and disagreed to
Subsequent Amendts. read a second time, and agreed to
Committee appointed, "to draw up Reasons to be assigned to the Lords for disagreeing to the Amendts. to which this House hath disagreed;" List of the Committee, 1050
Reason for disagreeing to one of the Lords' Amendts. reported, and agreed to; to be communicated to the Lords
Royal Assent *April* 4 [33 *Vict.* c. 9]

PEASE, Mr. J. W., *Durham, S.*
Burials, 2R. 561
Conventual and Monastic Institutions, Motion for a Committee, Motion for Adjournment, 1596; Motion for Adjournment, 2026
Evidence Further Amendment Act Amendment, Comm. *add. cl.* 1418, 1419
Game Laws Amendment, 2R. 6
Sites for Places of Worship, 2R. 1409
Ways and Means—Financial Statement, 1671; Report, Res. 7, 1722

PEEK, Mr. H. W., *Surrey, Mid.*
West Indies—Colonial Secretary, Nevis, 1603

PELL, Mr. A., *Leicestershire, S.*
Educational Purposes, Taxes for, 318
Irish Land, Comm. *cl.* 1, 782, 1013, 1025; *cl.* 2, 1043; *cl.* 3, 1465, 1523, 1525; Amendt. 1527; Amendt. 1990, 1991, 1992; Amendt. 2018

PEMBERTON, Mr. E. L., *Kent, E.*
Army—Cornets and Ensigns, 207
Corrupt Practices, Motion for a Committee, 1700
Navy—Sheerness Dockyard, 830

PENZANCE, Lord
Criminal Sentences, Address for a Return, 1148, 1155, 1160
High Court of Justice, 2R. 181, 188, 192; Comm. 2050

PERCY, Earl, *Northumberland, N.*
Marriage with a Deceased Wife's Sister, Comm. 1941

Petty Customs (Scotland) Abolition Bill
(*Mr. Bouverie, Mr. Kinnaird*)
c. Read 2° * *April* 4 [Bill 72]
Committee *; Report *April* 6

PIM, Mr. J., *Dublin City*
Ireland—Dublin Carriage Act, 1502
Stamp Duty on Leases, 202
Irish Land, Comm. *cl.* 1, Amendt. 736, 762, 1020, 1029; *cl.* 3, 1469
Land, Transfer of, 1048
Lighthouses, Use of Gas in, 983

PLAYFAIR, Dr. Lyon, *Edinburgh and St. Andrew's Universities*
Army—Military Education Commission, Res. 1561
Ireland—Trinity College, Dublin, Res. 1144

PLIMSOLL, Mr. S., *Derby Bo.*
Metropolis—Regent's Park Railing, 208

PLUNKET, Hon. D. R., *Dublin University*
Ireland—Trinity College, Dublin, Res. 1097, 1117

Poaching Prevention Act Repeal Bill
(*Mr. Brown, Mr. Andrew Johnston, Sir David Wedderburn, Mr. Thomas Potter*)
c. Ordered; read 1° * *Mar* 31 [Bill 93]

POLLARD-URQUHART, Mr. W., *Westmeath Co.*
Irish Land, Comm. *cl.* 1, 761; *cl.* 3, 2010
Ways and Means—Financial Statement, 1659

POOR LAW
Birmingham Poor Law Guardians, Question, Mr. Bromley-Davenport; Answer, Mr. Goschen *April* 4, 1173
Ellesmere Board of Guardians, Question, Mr. Watkin Williams; Answer, Mr. Goschen *Mar* 22, 419
Poor Law Expenditure, Question, Mr. W. H. Smith; Answer, Mr. Goschen *Mar* 28, 725

Poor Relief (Metropolis) Bill
(*Mr. Goschen, Mr. Arthur Peel*)
c. Moved, "That the Bill be now read 2°" *April* 25, 1769
Amendt. to leave out "now," and add "upon this day six months" (*Dr. Brewer*); Question proposed, "That 'now,' &c.;" after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2° [Bill 36]
Committee; Report *April* 29, 2135

POST OFFICE
Communication with the United States, Question, Sir John Ogilvy; Answer, The Marquess of Hartington *Mar* 28, 726
Letter Carriers, Question, Sir Henry Hoare; Answer, The Marquess of Hartington *April* 26, 1815
Newspaper Postage to France and Australia, Question, Mr. W. H. Smith; Answer, The Marquess of Hartington *Mar* 31, 991
Telegraphs Department, Question, Mr. Crawford; Answer, The Marquess of Hartington *April* 4, 1172

Public Accounts—Committee of
Standing Order of the House [3rd April 1862] relative to the Committee of Public Accounts read, and amended, by leaving out the word "nine," and inserting the word "eleven," instead thereof (*Mr. Stansfeld*) *Mar* 28, 788; List of the Committee

Public Offices, The New
Questions, Observations, Lord Redesdale; Replies, The Marquess of Lansdowne, The Duke of Argyll *April* 5, 1278; Observations, Lord Redesdale; Reply, Earl Granville *April* 7, 1424

Public Schools
Moved, "That an humble Address be presented to Her Majesty, praying Her to be pleased to order that in the five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, the words requiring membership of the Church of England as a qualification in the case of persons elected or nominated members of the governing bodies may be omitted" (*Mr. Thomas Hughes*) *April* 5, 1379; after short debate, Debate adjourned
Rugby School, Question, Sir Stafford Northcote; Answers, Mr. Brand, Mr. W. E. Forster *Mar* 25, 638

Queen Anne's Bounty (Superannuation) Bill (*Mr. Bouverie, Mr. Gathorne Hardy*)
c. Ordered; read 1° * *April* 29 [Bill 114]

RAIKES, Mr. H. C., *Chester*
Ballot, 2R. 51, 53

Railways
Collisions on, Question, Major Allen; Answer, Mr. Shaw Lefevre *Mar* 28, 718
Metropolitan District Railway, Question, Mr. Sherriff; Answer, Mr. Ayrton *April* 11, 1603
Railway Companies, Moved, "That a Select Committee be appointed to inquire into the Law and the administration of the Law of compensation for accidents as applied to Railway Companies" (*Mr. Denison*) *April* 26, 1908
Amendt. at end of Question, to add "and also to inquire whether any and what precautions ought to be adopted by Railway Companies with a view to prevent accidents" (*Mr. Hinde Palmer*); after short debate, Question, "That those words be there added," put, and agreed to; words added; main Question, as amended, put, and agreed to
Working Men's Trains, Question, Mr. Reed; Answer, Mr. Shaw Lefevre *Mar* 28, 727

Railways (Powers and Construction) Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Ordered; read 1° * *Mar* 17 [Bill 76]
Read 2° * *April* 29

READ, Mr. C. S., *Norfolk, E.*
Irish Land, Comm. *cl.* 1, 1011, 1023, 1029; *cl.* 2, 1042; *cl.* 3, 1227, 1485, 1527, 2016
Metropolis—Waterside Cattle Market, 1550
Navy—African Squadron, Res. 852
Ways and Means—Financial Statement, 1671; Report, Res. 7, 1723

Real Estate Succession Bill
(*Mr. Attorney General, Mr. Chancellor of the Exchequer, Mr. Solicitor General*)
c. Ordered; read 1° * *Mar* 18 [Bill 81]

REDESDALE, Lord (Chairman of Committees)
Habitual Criminals, 571
High Court of Justice, 2R. 195
National Gallery, Motion for Returns, 316
Owens College Extension, 3R. 1147
Parochial Schools (Scotland), 304
Peace Preservation (Ireland), Report, *cl.* 15, Amendt. 982
Public Offices, New, 1278, 1280, 1424

Red River Settlement
Question, Mr. Whalley; Answer, Mr. Monsell *Mar* 17, 73; Question, Mr. Sinclair Aytoun; Answer, Mr. Monsell *April* 4, 1172; Question, Mr. Whalley; Answer, Mr. Monsell *April* 7, 1431
Red River Expedition, Question, Mr. R. Torrens; Answer, Mr. Monsell *April* 26, 1816
Postponement of Motion (*Mr. R. Fowler*) *April* 29, 2060

Red Sea Survey
Question, Mr. Gourley; Answer, Mr. Childers *April* 29, 2059

Reed, Mr. C., *Hackney*
Norwich Voters Disfranchisement, 2R. 1806
Railway Companies, Motion for a Committee, 1911
Railway Trains for Working Men, 727

Registration of County Voters (England and Wales)
Committee nominated; List of the Committee *Mar* 28, 787

Registration of Voters Bill [Bill 53]
(*Mr. Dodds, Lord Eustace Cecil, Mr. Pease, Mr. Andrew Johnston*)
c. Moved, "That the Bill be now read 2°" *Mar* 16; debate adjourned
Referred to Select Committee* *Mar* 17

Religious Tests Bill
(*Mr. Dodson, Mr. Solicitor General, Mr. William Edward Forster*)
c. Acts considered in Committee; after debate, Bill ordered; read 1°* *April* 25 [Bill 105]

Richard, Mr. H., *Merthyr Tydfil*
*Elementary Education, 2R. 263
Sites for Places of Worship, 2R. 1392

Richards, Mr. E. M., *Cardiganshire*
Friendly Societies Returns, 1430

Richmond, Duke of
Coinage, Comm. 412
Criminal Statistics, Address for a Return, 1156
High Court of Justice, 2R. 194
Peace Preservation (Ireland), 2R. 798, 828
Wellington, Duke of—Monument, Motion for Papers, 1282

Romilly, Lord
Ecclesiastical and Diocesan Records, Motion for a Return, 717
High Court of Justice, 2R. 186, 188; Comm. 2038, 2056

Royston, Right Hon. Viscount, *Cambridgeshire*
Conventual and Monastic Institutions, Motion for a Committee, 2032

Rylands, Mr. P., *Warrington*
Navy—African Squadron, Res. 833, 858

St. Lawrence, Viscount, *Galway Bo.*
Irish Land, Comm. *cl.* 3, 1472

Sale of Liquors Bill (*Sir Wilfrid Lawson, Sir Thomas Bazley, Lord Claud Hamilton, Sir John Hammer, Mr. Miller, Mr. Dalway, Mr. Macarthy Downing*)
c. Acts considered in Committee; Bill ordered; read 1°* *April* 28 [Bill 112]

Salisbury, Marquess of
Ecclesiastical Courts, 2R. 62
Peace Preservation (Ireland), 2R. 821; Comm. *cl.* 11, 975; *cl.* 29, 980

Salmon Fisheries Report
Question, Mr. H. A. Herbert; Answer, Mr. Bruce *April* 28, 1965

Salomons, Alderman Sir D., *Greenwich*
Game Laws Amendment, 2R. 4

Samuda, Mr. J. D'A., *Tower Hamlets*
Metropolis—Waterside Cattle Market, 1543
Poor Relief (Metropolis), 2R. 1772; Comm. *cl.* 1, 2135

Samuelson, Mr. B., *Banbury*
Irish Land, Comm. *cl.* 1, Amendt. 760, 771, 1015, 1026; *cl.* 2, 1043, 1055; *cl.* 3, 1465, 1471; Amendt. 1523, 2002

Sandon, Viscount, *Liverpool*
Ballot, 2R. 58
Colonies, Motion for a Committee, 1890, 1891
Conventual and Monastic Institutions, Motion for a Committee, 2030

Saunderson, Mr. E. J., *Cavan Co.*
Irish Land, Comm. *cl.* 3, 1315
Party Processions (Ireland), 2R. 960
Peace Preservation (Ireland), 2R. 341, 364

Savings Banks Bill
Question, Mr. Assheton Cross; Answer, Mr. Stansfeld *Mar* 28, 725

Sclater-Booth, Mr. G., *Hampshire, N.*
Conventual and Monastic Institutions, Motion for a Committee, 2030
Supply—Civil Service Estimates, 1584
Turnpike Roads, Res. 863
Water Supply on Sunday (Metropolis), Leave, 1371
Ways and Means—Financial Statement, 1677

Scotland
Industrial School, Glasgow—Case of Alexander Gillespie, Question, Mr. Graham; Answer, Mr. Bruce *Mar* 25, 639
Law of Hypothec, Question, Mr. Carnegie; Answer, The Lord Advocate *Mar* 28, 723

[*cont.*

SCOTLAND—*cont.*
Police System of Scotland, Question, The Earl of Minto; Answer, The Earl of Morley *Mar* 21, 309
Procurators Fiscal, Question, Mr. Fordyce; Answer, The Lord Advocate *Mar* 17, 66
Roads and Bridges, Question, Mr. Stuart Parker; Answer, The Lord Advocate *April* 12, 1703

SCOURFIELD, Mr. J. H., *Pembrokeshire*
Commutation of Sentences—Case of Jacob Spinasa, 2103
Conventual and Monastic Institutions, Motion for a Committee, 1596, 2026
Navy—Rock in Pembroke Reach, 320
Turnpike Roads, Res. 870
Ways and Means—Financial Statement, 1674

SELWIN-IBBETSON, Sir H. J., *Essex, W.*
Elementary Education, 2R. 246
Metropolis—Waterside Cattle Market, 1546
Parliament—Progress of Public Business, 1705
Railway Companies, Motion for a Committee, 1911
Wine and Beerhouse Act Amendment, Leave, 1493; 2R. 1809

Settled Estates Bill
(*Mr. Stapleton, Colonel Stepney, Mr. Stacpoole*)
c. Ordered * *April* 26
Read 1° * *April* 27 [Bill 110]

SEYMOUR, Mr. A., *Salisbury*
Parliament — Palace of Westminster — The Central Hall, 2059

SHAFTESBURY, Earl of
Ecclesiastical Business, &c., Motion for Returns, 716
Ecclesiastical Courts, 2R. 64

Shale Mines—Mines Regulation Bill
Question, Sir Robert Anstruther; Answer, Mr. Bruce *April* 28, 1966

SHAW, Mr. R., *Burnley*
Navy—Letters to the Public Journals, 1426
Ways and Means, Report, Res. 7, 1724

SHAW, Mr. W., *Bandon*
Irish Land, Comm. *cl.* 3, Amendt. 1059, 1074, 1078

SHERLOCK, Mr. D., *King's Co.*
Bank of Ireland—Payment of Dividends, 1283
Conventual and Monastic Institutions, Motion for a Committee, 1596
Ireland—Magisterial Appointments, Motion for Papers, 2092
Irish Land, Comm. *cl.* 2, 1041; *cl.* 3, 1060, 1993
Peace Preservation (Ireland), 2R. 473

SHERRIFF, Mr. A. C., *Worcester* (*City*)
Metropolitan District Railway, 1603

Sierra Leone—Mr. Justice Huggins
Question, Mr. Moore; Answer, Mr. Monsell *April* 11, 1606

SIMEON, Sir J., *Isle of Wight*
Conventual and Monastic Institutions, Motion for a Committee, 1593

Sites for Places of Worship Bill
(*Mr. Osborne Morgan, Mr. Bouverie, Mr. Hinde Palmer, Mr. Henry Richard*)
c. Moved, "That the Bill be now read 2°" *April* 6, 1382
Amendt. to leave out "now," and add "upon this day six months" (*Mr. George Gregory*); Question proposed, "That 'now,' &c.;" after debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2° [Bill 10]

SMITH, Mr. J. B., *Stockport*
Ways and Means—Financial Statement, 1664, 1671

SMITH, Mr. W. H., *Westminster*
Metropolis—Thames Embankment, 1602
Newspaper Postage to France and Australia, 991
Poor Law Expenditure, 725
Poor Relief (Metropolis), 2R. 1777
Ways and Means—Financial Statement, 1676

SOLICITOR GENERAL, The (Sir J. D. COLERIDGE), *Exeter*
Attorneys and Solicitors Remuneration, Comm. *cl.* 7, 1423
Beverley Election Proceedings, 326, 328
Conventual and Monastic Institutions, Motion for a Committee, 895
Corrupt Practices, Motion for a Committee, 1701
County Court Judge of Norfolk, 1174
Naturalization, Comm. *cl.* 2, 1735, 1736; *cl.* 4, Amendt. 1737; *cl.* 5, 1738; *cl.* 7, 1739; *cl.* 10, 1741; Consid. 2024, 2025
Religious Tests, Leave, 1810

South Sea Islanders—Deportation of Natives
Question, Mr. Kinnaird; Answer, Mr. Childers *April* 7, 1427

Spain—Case of the "Tornado"
Questions, Observations, Mr. Bentinck; Reply, Mr. Otway; debate thereon *April* 29, 2109

Spain and Portugal—Debts to Great Britain
Questions, Mr. Somerset Beaumont, Mr. Hunt; Answers, The Chancellor of the Exchequer *Mar* 31, 987

SPEAKER, The (Right Hon. J. E. DENISON) *Nottinghamshire, N.*
Game Laws Amendment, 2R. 7
Ireland—Madden, Mr., Case of, Motion for Papers, 918
Navy—Naval Retirement, Res. 165

Stacpoole, Mr. W., *Ennis*
Ecclesiastical Titles, 1064
Party Processions (Ireland), 2R. 956
Peace Preservation (Ireland), 2R. 378 ; Consid. *cl.* 39, 713

Stamp Duty on Deeds Bill
(*Mr. Bourke, Mr. Dodds*)
c. Ordered ; read 1° * *Mar* 28 [Bill 89]

Stanhope, Earl
Wellington, Duke of—Monument, Motion for Papers, 1281, 1282

Stanley, Hon. W. O., *Beaumaris*
Chapel and Schools Site, 1966
Metropolis—Hyde Park—The Serpentine, 1170

Stansfeld, Right Hon. J. (Lord of the Treasury), *Halifax*
Friendly Societies Returns, 1430
House Tax, Res. 1377
Navy—Discharged Dockyard Workmen, 208
Parliament—Blue Books and Parliamentary Papers, 1049
Savings Banks, 725
Supply—Civil Service Estimates, 1583, 1584
War Office, 3R. 1754, 1756, 1762
Wimbledon Common, 638

Stapleton, Mr. J., *Berwick-on-Tweed*
Water Supply on Sunday (Metropolis), Leave, 1368

Steam Vessels, Losses of
Question, Sir John Pakington ; Answer, Mr. Shaw Lefevre *Mar* 31, 990

Stepney, Colonel J. S. C., *Carmarthen, &c.*
Water Supply on Sunday (Metropolis), Leave, 1370

Stone, Mr. W. H., *Portsmouth*
Navy—Dockyard Superannuations, 1168

Stopford, Mr. G. Sackville-, *Northamptonshire, N.*
Army—Yeomanry, 201

Strutt, Hon. H., *Derbyshire, E.*
Army—Candidates for the Royal Military Academy, 74

Summary Convictions Bill
(*Mr. Denman, Mr. Cross, Mr. Hibbert*)
c. Moved, "That the Bill be now read 2°" *April* 6, 1419 ; after short debate, Motion withdrawn ; Bill withdrawn [Bill 50]

SUPPLY
Considered in Committee *Mar* 17, 167 —Navy Estimates—Resolutions reported *Mar* 18
Considered in Committee *April* 8, 1583—Civil Service Estimates—£2,323,000 on Account —Resolution reported *April* 11

Survey of Great Britain, &c. Bill
(*Mr. Ayrton, Mr. Secretary Cardwell*)
c. Ordered ; read 1° * *Mar* 28 [Bill 90]
Read 2° * *Mar* 30
Committee * ; Report *April* 4
Read 3° * *April* 5
l. Read 1ª * (*The Marquess of Lansdowne*) *April* 8
Read 2ª * *April* 29 (No. 71)

Sykes, Colonel W. H., *Aberdeen City*
Ballot, 2R. 55
China—Outrage on Missionaries, 71, 72
Navy—African Squadron, Res. 846
Parliament—Palace of Westminster—The Central Hall, 321, 640

Synan, Mr. E. J., *Limerick Co.*
Conventual and Monastic Institutions, Motion for a Committee, 1597, 2030
Irish Land, Comm. *cl.* 1, 750, 770, 781, 787 ; *cl.* 2, 1036 ; *cl.* 3, 1060, 1068, 1331 ; Amendt. 1435, 1454, 1457, 1992, 1995, 1999, 2001, 2017, 2018
Peace Preservation (Ireland), 2R. 370 ; Comm. *cl.* 7, 580 ; *cl.* 13, 584 ; Amendt. 593 ; *cl.* 27, Amendt. 604 ; *cl.* 37, 689 ; *cl.* 38, 695 ; Consid. *cl.* 33, 708, 709, 710 ; *cl.* 39, Amendt. 713

Talbot, Mr. J. G., *Kent, W.*
Conventual and Monastic Institutions, Motion for a Committee, 2030
Marriage with a Deceased Wife's Sister, Comm. *cl.* 1, Amendt. 1958

Taylor, Mr. P. A., *Leicester*
*Members of Parliament Payment, Leave, 1334
Parliament—Progress of Public Business, 1719
Ways and Means, Report, Res. 7, 1725

Thynne, Lord H. F., *Wiltshire, S.*
Irish Land, Comm. *cl.* 3, 2018

Tipping, Mr. W., *Stockport*
Burials, 2R. 531
Parliament—Palace of Westminster—Drawings of Mr. Barry, 988

Torrens, Mr. R. R., *Cambridge Bo.*
Army—18th Regiment, 1728
Ballot, 2R. 46, 53
Canada—Red River Expedition, 1816
Colonies, Motion for a Committee, 1817, 1905, 1906
Ireland—Trinity College, Dublin, Res. Motion for Adjournment, 1146
Irish Land, Comm. *cl.* 3, 1489

Torrens, Mr. W. M., *Finsbury*
New Romney, 833
Peace Preservation (Ireland), Comm. *cl.* 13, 587 ; *cl.* 27, 628
Poor Relief (Metropolis), 2R. 1773 ; Comm. *cl.* 1, 2136

TRACY, Hon. C. R. D. HANBURY- *Montgomery, &c.*
Navy—Naval Retirement, Res. 158, 573
Railway Companies, Motion for a Committee, 1910

Tramways Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld, Mr. Ayrton*)
c. Report of Select Committee * *April* 29 [Bill 113]

Transfer of Land Bill [H.L.]
(*The Lord Chancellor*)
l. Presented; read 1ª* *Mar* 18 (No. 41)

TRELAWNY, Sir J. G. S., *Cornwall, E.*
Attorneys and Solicitors Remuneration, Comm. *cl.* 7, 1423

Truck Act
Question, Sir David Wedderburn; Answer, Mr. Bruce *April* 28, 1964

Turkey — Christian Population of the Sporades
Question, Sir David Wedderburn; Answer, Mr. Otway *April* 4, 1169

Turnpike Roads
Question, Lord George Cavendish; Answer, Mr. Bruce *Mar* 24, 572
Resolution moved (*Sir George Jenkinson*) *Mar* 29, 858; after short debate, Motion withdrawn
Resolved, "That, in the opinion of this House, the present system of providing the cost of maintaining the Turnpike Roads of which the Trusts have expired is unjust, and inflicts great hardship on particular parishes, and in all such cases where tolls have been or may hereafter be abolished, the area from which the cost of maintaining such Roads is levied ought to be extended, and should not be limited to those parishes only through which such Roads actually pass" (*Sir George Jenkinson*)

Valuation of Lands and Assessments (Scotland) Bill
(*The Lord Advocate, Mr. Adam*)
c. Ordered; read 1°* *April* 11 [Bill 102]

VANCE, Mr. J., *Armagh City*
France—Commercial Treaty, 1727
Party Processions (Ireland), 2R. 951

VANDELEUR, Colonel C. M., *Clare Co.*
Irish Land, Comm. *cl.* 3, 1061
Peace Preservation (Ireland), Comm. *cl.* 37, 691

VERNER, Mr. W., *Armagh Co.*
Party Processions (Ireland), 2R. 957

VERNEY, Sir H., *Buckingham*
Metropolis—Hyde Park, 1505

Wages Arrestment Abolition (Scotland) Bill (*Mr. Anderson, Mr. Gordon, Mr. Miller, Mr. Armitstead*)
c. Read 2°* *Mar* 23 [Bill 69]
Committee*; Report *April* 27

WALPOLE, Hon. F., *Norfolk, N.*
Norwich Voters Disfranchisement, 2R. Amendt. 1806

WALPOLE, Right Hon. Spencer H., *Cambridge University*
Burials, 2R. 560
Irish Land, Comm. *cl.* 1, 1010; *cl.* 2, 1034, 1045, 1053; *cl.* 3, 1059
Marriage with a Deceased Wife's Sister, Comm. Amendt. 1915
Peace Preservation (Ireland), Comm. *cl.* 13, 585
Religious Tests, Leave, 1813

WALTER, Mr. J., *Berkshire*
Burials, 2R. 555
Irish Land, Comm. *cl.* 3, 1288

War Office Bill
(*Mr. Cardwell, Captain Vivian*)
c. Moved, "That the Bill be now read 3°" *April* 25, 1742
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Joshua Fielden*); after debate, Question put, "That 'now,' &c.;" A. 80, N. 6; M. 74; main Question put, and agreed to; Bill read 3° [Bill 30]
l. Read 1ª* (*The Lord Northbrook*) *April* 29 (No. 74)

Water Supply on Sunday (Metropolis) Bill
(*Mr. Stapleton, Colonel Stepney, Dr. Brewer*)
c. Motion for Leave (*Mr. Stapleton*) *April* 5, 1368; after short debate, Bill ordered; read 1°* [Bill 94]

WAYS AND MEANS
Considered in Committee *April* 11, 1607—Financial Statement of The Chancellor of the Exchequer on moving the First Resolution, "That, towards raising the Supply granted to Her Majesty, on and after the undermentioned dates, in lieu of the Duties of Customs now charged on the articles undermentioned, the following Duties of Customs shall be charged thereon, on importation into Great Britain or Ireland, viz.:—on and after the 2nd day of May, 1870—Sugar, viz:—Candy, Brown or White, Refined Sugar, or Sugar rendered by any process equal in quality thereto, and manufactures of Refined Sugar . . . . . the cwt. 0*s.* 6*d.*;"
On and after the 13th day of April, 1870,—Sugar not equal to refined:—
[Then the several Articles are set forth]
And that the said Duties shall be paid on the weights ascertained at landing
After long debate, Motion agreed to; other Resolutions agreed to

[*cont.*

Ways and Means—cont.
Notices of Motions, Ordered, "That the Report of the Resolutions of the Committee of Ways and Means do take precedence of the Notices of Motions" (*Mr. Gladstone*) *April* 12
Resolutions reported *April* 12, 1719; after short debate, Resolutions 1 to 6 agreed to
Resolution 7 (The Gun Licence); after further short debate, agreed to
Subsequent Resolutions read a second time, and agreed to
Bills ordered (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
Considered in Committee *April* 25, 1731; Resolutions 1 to 17 agreed to

Wedderburn, Sir D., *Ayrshire, S.*
Truck Act, 1964
Turkey—Sporades Islands, 1169

Wellington's, Duke of, Monument
Motion for Correspondence (*The Earl Cadogan*) *April* 5, 1280; after short debate, Motion agreed to

Wesleyan Ministers in Military Prisons
Question, Mr. M'Arthur; Answer, Mr. Bruce *April* 7, 1428

Westbury, Lord
Ecclesiastical Courts, 2R. 64
High Court of Justice, 2R. 176; Comm. 2046
Naturalization, Report, *add. cl.* 65

West Indies
Nevis—Colonial Secretary, Question, Mr. Peek; Answer, Mr. Monsell *April* 11, 1603
Jamaica—The late G. W. Gordon, Question, Sir Charles W. Dilke; Answer, Mr. Gladstone *April* 4, 1169

West, Mr. H. W., *Ipswich*
Bridgwater and Beverley Disfranchisement, 2R. 1801

Whalley, Mr. G. H., *Peterborough*
Canada—Galt, Sir A. T., 324, 574
Red River Settlement, 73, 1431
Capital Punishment, 1428
Commutation of Sentences—Case of Jacob Spinasa, 2103

[*cont.*

Whalley, Mr. G. H.—*cont.*
Conventual and Monastic Institutions, Motion for a Committee, 2033
Peace Preservation (Ireland), 2R. 485; Comm. *cl.* 30, 684; Consid. *cl.* 2, Amendt. 703
Ways and Means—Financial Statement, 1679

Whitbread, Mr. S., *Bedford*
Navy—Naval Retirement, Res. 136
Parliament—Public Business, 992

White, Hon. Colonel C. W., *Tipperary Co.*
Peace Preservation (Ireland), 2R. 491

White, Mr. J., *Brighton*
Army—Control Department and the Royal Engineers, 317
Japan—Native Christians, 203
Navy—African Squadron, Res. 844
Peace Preservation (Ireland), 2R. 490
Ways and Means—Financial Statement, 1646

Whitwell, Mr. J., *Kendal*
Army—Boxer, Colonel, Case of, Motion for a Committee, 2083
Irish Land, Comm. *cl.* 1, 785; *cl.* 3, 2015
Peace Preservation (Ireland), Comm. *cl.* 13, 585, 586; *cl.* 38, 696

Williams, Mr. Watkin, *Denbigh, &c.*
Ellesmere Board of Guardians, 419

Wilmot, Colonel H., *Derbyshire, S.*
Army—Rifles for Volunteers, 829

Wimbledon Common
Question, Sir Charles W. Dilke; Answer, Mr. Stansfeld *Mar* 25, 637

Winchester, Bishop of
Ecclesiastical Courts, 2R. 63

Wine and Beerhouse Act (1869) Amendment Bill (*Sir Henry Selwin-Ibbetson, Mr. Headlam, Mr. Akroyd*)
c. Act considered in Committee; after debate, Bill ordered; read 1°* *April* 7, 1493
Bill read 2° *April* 25, 1809 [Bill 97]

Young, Mr. A. W., *Helston*
Juries, 2R. 1415

ERRATUM.

Folio 201, line 6 from bottom, *for* Mr. Stopford, *read* Mr. Sackville-Stopford.

END OF VOLUME CC., AND SECOND VOLUME OF SESSION 1870.

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